United States Court of Appeals

for the Second Circuit

APPENDIX

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76-1328

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United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,
Appellee,

against

WILLIAM CAHN,
Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK.

APPENDIX.

Volume III—Pages 833 to 1430.

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UNITED STATES COURT OF APPEALS
FILED
OCT 1 1976
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

THE REPORTER COMPANY, INC., New York, N. Y. 10007—212 732-6978—1976

(9770)

PAGINATION AS IN ORIGINAL COPY

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Q Is that the reimbursement you received for these expenditures?

A This was the reimbursement of the expense for the trip to Los Angeles, California.

Q How much was that?

A $386.

Q How was that composed, Mr. Cahn?

A How was that what?

Q How was the sum composed?

A $336 for the air fare, $50 for two days per diem.

Q When you received that check, what did you do with it?

A Had it cashed.

Q What did you do with the cash?

A Returned it to the County to pay the advance that the County gave to me.

Q How was that accomplished?

A By placing it in the Sam Houston envelope.

Q Did you see Sam Houston on that trip?

A Yes, I did.

Q Did you give him any money?

A Yes, I did. I saw him in Houston with Mr. Spinnato.

Q How much money did you give him?

A $750.

Q Now, Mr. Cahn, with respect to the transaction you have testified to, did you knowingly,willfully, or in your opinion fraudulently conceal or cause to be concealed any material fact or matter to the Task Force?

A No, I did not.

THE COURT: Let me see 7-A.

THE WITNESS: I don't have that one.

THE COURT: 8-A.

THE WITNESS: Yes, your Honor.

(Pause.)

Q I show you, Mr. Cahn, Government's Exhibits 9 and 9-A.

Will you describe, please, the time and place of the trip reflected in these documents -- when and where it took place?

A The trip reflects -- the plane reflects a trip to Los Angeles, California on October 29,1972, in which I was accompanied by Assistant District Attorney Joseph Spinnato in reference to the vice squad case that I previously described.

Q In connection with the private agency, which one were you traveling for?

A Again, the Task Force to Los Angeles, California.

Q What was the business to be conducted on behalf of the Task Force?

A Again, I was a member of the Advisory Board to set standards for police departments throughout the United States.

Q Did you participate in the meeting with the Task Force?

A Yes.

Q Had you been paid in advance from the County for your expenses and --

A Which question do you want me to answer?

Q I thought you answered the last one.

A I did participate and I did take an advance, yes, sir.

Q You stayed in a hotel in Los Angeles?

A Yes, sir.

Q How did you pay the bill?

A It appears that I paid by cash for both Mr. Spinnato and myself.

Q Did you submit a claim to the Task Force for reimbursement of your expenses?

A I submitted a claimto the Task Force for reim-

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Cahn -direct

bursement of my air fare and per diem, and $10 gratuities.

Q Is that claim form before you?

A Yes.

Q Is there a certification on it?

A Yes, "I certify that the total costsclaimed were incurred and relate to the National Advisory Commission on Criminal Justice Standards and Goals."

Q Were they actually incurred?

A Yes.

Q Did they relate to the Task Force business?

A Yes.

Q And did you receive a check in payment of those expenses?

A Again, from the Treasurer of the United States for $383.50.

Q How was that composed, Mr. Cahn?

A $336 for transportation, $37.50 for per diem costs, and $10 gratuities.

Q When you received that check, what did you do with it?

A Cashed it.

Q What did you do with the cash?

A Returned it to the County to pay the advance on the trip to Los Angeles.

Q How did you accomplish that?

A Placing it in the Sam Houston envelope and keeping it until it was used.

Q Did you see Sam Houston on that trip?

A No, sir, I did not.

Q Now, Mr. Cahn, with respect to the information reflected in these documents, did you knowingly, willfully, or in your opinion fraudulently cause to be concealed any material fact from the Task Force?

A No, sir, I did not.

Q Mr. Cahn, I show you Government's Exhibit 10 and 10-A in evidence.

I ask you what trip that represents in terms of date, place, and purpose.

A The trip represents -- the plane represents a trip to Phoenix, Arizona, in which I was accompanied by Assistant District Attorney Joseph Spinnato, and for the purpose of meeting Sam Houston in Phoenix.

And Government's Exhibit 10-A reflects a trip to Cassagrande, Arizona, on behalf of the Arizona County Attorneys Association to deliver a lecture before members of that Association.

Q You traveled on behalf of the County for the sole purpose of seeing Sam Houston?

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A On this particular trip, yes.

Q Did you see him?

A No, we received a call and he didn't show. One of the few times that that happened.

Q By the way, Mr. Cahn, by way of interruption, when you paid Sam Houston, as you testified you did on several occasions and later on, in your estimation, who paid Sam Houston: was it the County or the independent agency?

MR. DRUKER: I object.

THE COURT: Objection sustained. That is an issue of law, really.

MR. BOGIN: I won't take issue with your Honor now, but I would like a side bar at a later time.

THE COURT: All right.

Q Continuing with count ten, did you submit a claim to the Arizona County Attorney's office?

A Yes,sir.

Q Do you have that claim before you?

A Yes, sir.

Q Did you sign it?

A Yes,sir.

Q Did you read it before you signed it?

A Mr. Bogin,I don't remember whether this was given to me already prepared in Casagrande or not, but I don't remember reading it or not.

SS:jd

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Cahn-direct

Q Is there anything in this claim which in any way indicate that the Arizona County Attorney was L.E.A.A. funded?

MR. DRUKER: I'm going to object to that.

THE COURT: That's not the whole story.

MR. DRUKER: When it indicates to him, may be, there are things in there that indicate to other persons - -

THE COURT: No, one is the witness' knowledge. It may not come entirely from him, but I'll let him indicate anything in the form that indicates L.E.A.A. to him.

A. No, there's nothing that would indicate to me from the form that this would be L.E.A.A. funded.

Q You heard Mr. Briggs testify it was L.E.A.A. funded?

A. Yes.

Q Do you recall the conversation with Mr. Briggs?

A I don't recall it, but if he says he told me, he told me.

Q You accept that?

A I accept that, yes.

Q Would you please read the certifications on that form.

A "I certify this claim and the attachment are true and correct, and that payment for the amount claimed has not been received."

Q Were the statements to the attachment true and correct?

A. They were true.

Q Did you receive payment for the amount claimed?

A From the Arizona County Attorny Association, yes. Not from the County of Nassau.

Q Had you, when you certified this received payment from anyone?

A No. Well, no.

Q. What was the claim that you paid in terms of amount?

A. Mr. Bogin, I'm not sure. This just did not indicate to me if I made any specific claim, but as to what - - but I presume I put in for the airfare.

Q Would it refresh your recollection, Mr. Cahn, if I draw your attention to the fact that your airfare was Three Hundred and Eight Dollars?

I presume I put in - - I don't know who prepared this form. (indicating) I signed it but I don't know who prepared it.

Q Do you recall making a claim for an honorarium,

personally.

A No, that I don't recall at all.

Q. But you did received an honorarium?

A Yes, I did.

Q Total amount you received was how much?

A Four Hundred and Fortythree Dollars.

Q What did you do with the proceeds of the check when you received it?

A Cashed it.

Q What did you do with the proceeds of the cash?

A I kept the honorarium, the fee and returned Three Hundred Dollars to the County of Nassau for the advance of the trip.

Q How did you accomplish that?

A I put Three Hundred and Eight Dollars into the Sam Houston envelope, using it at a later date.

Q In respect to the transaction involving the Arizona County Attorneys Association, Mr. Cahn, did you knowingly, willfully, or in your opinion fraudulently conceal or cause to be concealed any material facts from the Arizona County Attorney Association?

A No, sir, I did not.

THE COURT: Did you see Sam Houston on this trip?

THE WITNESS: I think I answered that I was

supposed to meet him in Phoenix and I got a call that he could not make it.

THE COURT: Thank you.

Q. In respect to Count 10 and the exhibits, government Exibits 10 and 10A in evidence, Mr. Cahn, how did you handle the hotel bill.

A There was no claim for the hotel in Kasagrande, to either the Arizona County Attorneys Association nor to the County of Nassau since it was complimentary. That went for Mr. Spinnato , too, for some reason and if I may, the bill, the hotel bill in Phoenix, Arizona, if I may look at it, sir.

(Said document handed to the witness by Mr. Bogin)

MR. BOGIN: Your Honour, do you wish to see 10?

THE COURT: No. (continuing)

The hotel bill in Scotsdale, Phoenix, was paid for in cash.

Q Mr. Cahn, you have government Exhibit 11 and 11A before you. What does that set of document represent.

A A trip to San Francisco on June 14, 1971 for the county in reference to the jail investigation and a vice squad case - - not the one that I spoke of before. Vice Squad 115. Perhaps it will come to me. I don't remember what that is.

I was examined by Detective Sgt. John Hang. Thats

all, and it was also - - I went to San Francisco on behalf of the National District Attorneys Association to testify before a Congressional committee holding meeting in San Francisco on the narcotics problem.

Q Did Det. Sgt. Hang go to another place with you on that trip? If you remember.

A. Mr. Bogin, Government Exhibit 11 doesn't reflect it., but this is - - possibly - - one of the times at the end of - - late in the afternoon - - no, one night when we may have - - in the afternoon, having gone to Reno and came back the same night or early that very next morning.

Q. Why would there not be any indication in the documents.

A No expenses.

Q If you went to Reno you would not have incurred a hotel expense?

A That's correct. That's a possibility. I cannot say that with certainty.

Q Did you submit a bill to the County of Nassau for the trip including airfare expenses, meals and hotel.

A I sumbitted a bill to the County of Nassau to replenish the prosecution fund.

Q Did you receive reimbursement from the County for the prosecution fund?

A The prosecution fund was replenished, yes.

Q Did you also submit a bill to the National District Attorneys Association?

A I submitted a letter to the National District Attorneys Association for the expenses of the trip.

Q You sent a letter? Is that the form which the claim took?

A Yes.

Q No other claim form?

A A personal letter to Pat Healey, enumerating my expenses, telling him I would appreciate a check as soon as possible.

Q How much of a bill did you submit to the D.A.A. at that time.

A Five Hundred and Eleven Dollars and Fortysix Cents.

Q Do you happen to remember whether that included a hotel expense?

A It did not.

Q Is there any reason why it did not?

A I guess Gladys forget to put it in.

Q Did that happen often, Mr. Cahn?

A Oh', I don't know.

Q You received a check in response to that letter,

did you not?

A Yes, I did.

Q What did you do with the check?

A Cashed it.

Q What did you do with the cash?

A Returned it to the County of Nassau to pay the advance.

Q How was that accomplished?

A By placing it into the Sam Houston envelope to be used later.

Q Did you see Sam Houston on that occasion?

A No, I did not.

Q There has been some discussion, Mr. Cahn, about by-laws of the National District Attorneys Association. What office did you hold in the N.D.A.A. at this time?

A Which time?

Q At the time of this transaction. That would be in June, 1971.

A President-elect.

Q Had you been familiar with the by-laws of the association?

A Not all of them.

Q Which by-laws were of importance to you?

A The by-laws with reference to proxies - - really

that's the only one I remember being discussed. Perhaps if I could see the exhibit it might help refresh my recollection.

MR. BOGIN: Don't we have that exhibit?

MR. DRUKER: Somewhere, I am sure.

Q While we are waiting for that exhibit, Mr. Cahn, do you happen to remember By-law No. 12?

A I remember now.

Q When did you first hear of that?

A Around October, 1974, that I was first really conscious of the by-law. To say I did not hear of it before hand would not be quite accurate. I don't recollect hearing about it before.

Q Before that date, did you know the substance of the by-laws?

A I can't say that I did.

Q. I show you Government Exhibit - - it looks like Fiftyeight in evidence, (Handing to witness) and ask you when By-law 12, which you have there - -

A Ask me if By-law 12 what?

Q Which you have there was ever drawn to your attention prior to 1974.

A I have absolutely no recollection of ever discussing By-law 12 with anyone prior to October - November of 1974.

If I may answer your previous question, the by-law in reference to officers, president - - the officers -- yes, with its sections, the by-law in reference to standing and other committees - - these were the by-laws which were the source of discussion when by-laws were discussed.

Q Were you familiar with the policy of the association regarding payment of expenses?

A Yes.

Q Can you generalize the policy of the association as you understand it in 1971? (understood)

A The policy was to pay expenses and honorariums for those men who attended our functions and who lectured or participated and pay them honorariums if demanded or in lieu of a honorarum they sometimes permitted the participants to bring their wives and in-so-far as the membership of the organization is concerned and usually it referred to the really active members of the association, the policy was to pay no honorarium, but to be as liberal with them as they possibly can and paying for car rentals, letting them stay at a particular place as long as possible, no matter what their participation in the conference was. What I mean by that: if the conference lasted four days and it was the function of a particular attendee to speak the first day, if he stayed all four days, he was given his expenses all four days and it

wasn't out of pocket expenses, Mr. Bogin. It was a very liberal allowance given to the attendees as I understand it.

Q Was this written anywhere, Mr. Cahn?

A No.

Q What kind of a policy was it in terms of this definition, was it oral or written?

A Well, it wasn't written. It was a policy that was followed by me as president, assistant president-elect and by Mr. Healey in my relationship with him.

Q To whom was this policy communicated and by whom?

A The officers, as I understand it, was communicated to me.

Q Did you discuss it with Mr. Healey from time to time?

A Yes.

Q Was that the way in which you arrived at your analysis of the policy?

A Yes, and as president it was a policy that I carried out.

Q I think we asked a question when you saw Sam Houston on that trip. Did you?

A On which trip, sir?

Q On this trip relating to Eleven.

A Eleven.

THE COURT: He testified he did not see Sam Houston.

MR. BOGIN: I think he so testified.

Q In respect to the transaction which you related in Count 11, did you knowingly or willfully or deliberately or in your opinion fraudulently with-hold any information material to the National District Attorneys Association as it relates to this claim?

A No, sir, I did not.

Q I show you, Mr. Cahn - -

THE COURT: I would like to look at these. (indicating)

(Witness hand to the Court)

Q I show you Government Exhibit 12 and 12A in evidence (handing to witness)and ask you what these documents represent in terms of trip, date and purpose.

A It's a trip to Reno, San Francisco, and Saint Paul, Minesota in reference to the jail investigation in which I was examined in Reno and San Francisco by Asst. District Attorney Joseph Spinnato and - - Government Exhibit 12A in evidence - - indicates a trip on behalf of the National District Attorneys Association to Saint Paul, Minnesota.

Q What was the purpose of the trip for, the

National D.A's Association, if you recall?

A I said the jail investigation.

Q No, that was the county.

A Yes - -for the National D.A.'s Association?

I've drawn a complete blank, there's nothing -- I just have no recollection of the purpose for that trip for the National District Attorneys Association, but the letter indicates that there was. I don't remember. 1971?

Q If you have no documentations - -

A Well, there's a letter in which - - a letter to Mr. Healey indicating that it was good seeing him in Saint Paul, "enclosed please find my expenses for the trip." and I charged him from New York to Saint Paul and back.

Q What does that indicate to you as a purpose.

A It doesn't indicate a purpose, it would indicate a committee meeting of some kind.

Q Had you drawn an advance from the County of Nassau for your work for the county?

A Yes, I did.

Q Did you submit a bill to the County of Nassau at a later time?

A To replenish the prosecution fund, yes.

Q Was that accomplished?

A Yes.

Q Did you submit, as you now read, a communication to the association for reimbursement for the Saint Paul part of the trip?

A To the National District Attornevs Association?

Q Did you receive a check for that?

A Yes, Three Hundred and Sixty-eight Dollars and Sixty-eight Cents.

Q What did you do with the check?

A Cashed it.

Q What did you do with the cash?

A Return it to the County for the advance.

Q How was that accomplished?

A By placing it in the Sam Houston fund and using it to pay Sam Houston at a later date.

Q During the course of that trip, did you also go to Reno with Mr. Spinnato?

A Yes.

(Continued on next page)

Q And did you charge anyone for your stay in Reno?

A Only Mr. Spinnato.

Q How was your Reno bill handled?

A Well, I had to pay for Mr. Spinnato's hotel bill. My hotel bill was complimentary so it was not submitted to the County.

Q Did you see Sam Houston on that trip?

A Yes, I did.

Q Did you pay him any money on that trip?

A I saw Sam Houston in Reno and I didn't give him any money other than a few dollars. But no large sums of money.

Q Meal money?

A Yes.

Q Relative to meal money, Mr. Cahn, I would like you to clear up some possible ambiguity here, when you specified meal money, and you submitted your claim for reimbursement to the County, how did you identify that?

A Witnesses.

Q That term was accurate or did you have some other connotation in your mind?

A That was my term for this particular transaction, witnesses, and that was my term used for police officers, those who helped me in the investigation, those who provided services for me. They were listed as witnesses.

Q Now, relative to the sums received from the National District Attorney's Association on this trip, did you knowingly or wilfully or in your estimation fraudulently withhold information from the National District Attorney's Association which might have been material in this transaction?

A No, I did not.

MR. BOGIN: Would your Honor wish to look at 12?

THE COURT: No.

Q Do you happen to recall, Mr. Cahn, how the hotel bills were paid in that last transaction?

A I looked; apparently by cash.

Q Now, you have before you Government's Exhibit 13 and 13-A, would you please tell the Court and jury what that reflects in terms of date, trip and purpose.

A It reflects a trip to Washington, D.C. in reference to Rackets Bureau Case 1589. I don't recollect what those numbers mean. I mean, what the cases refer to. I was accompanied by Mr. Spinnato.

And 13-A indicates a trip on behalf of the National District Attorneys' Association to Washington, D.C. to testify before the Congressional Committee in Washington on narcotics.

Q Had you taken an advance from the County of Nassau for the trip?

A No, I did not.

Q How did you handle that part of the transaction?

A I used my own money first.

Q How was the hotel bill paid by you?

A Cash.

Q Did you later submit a bill to the County of Nassau?

A To repay me for my advance.

Q Did you receive repayment for your advance?

A Yes, I did.

Q How did you handle Mr.Spinnato's share of the bill?

A I paid for it.

Q Did you submit a bill to the National District Attorneys' Association?

A For the expenses of the trip to Washington.

Q Did you receive a check from them?

A Yes, I did.

Q How did you bill them? What was the form you used?

A A letter.

Q Did you thereafter receive a check?

A Yes, I did.

Q How much was that?

A $127.90.

Q What did you do with that check?

A Cashed it, and returned it to the County for the advance.

Q How was that accomplished?

A By placing it into the Sam Houston envelope to be used for the payment of Sam Houston.

Q Did you see Sam Houston on the trip?

A No, I did not.

Q Now, with respect to transactions related in this count, did you knowingly, wilfully or, in your estimation fraudulently conceal or cause to be concealed any material fact relevant to the National District Attorneys' Association in that transaction?

A No, I did not.

MR. BOGIN: I wonder if we might terminate at this time. My feet are giving out.

THE COURT: All right, we will resume at a quater to two.

The jury is excused. Remember, don't talk about the case at all to anyone or don't talk to people in the courtroom about anything.

(The jury left the courtroom.)

THE COURT: There was actually a statement, or a reply, "No," by Mr. Druker on page 253 of yester-

day's minutes. It's with reference to whether a report had been made to a Police Officer of the Metropolitan Police Department. Whether it was made may be irrelevant but --

MR. DRUKER: I read that, your Honor. What the reporter didn't get -- perhaps two of us were speaking at once -- was I said, no, that that was not part of the stipulation. Again, I state that --

MR. BOGIN: I thought --

MR. DRUKER: If it is deemed to be admissible, I will stipulate --

THE COURT: The fact of the report I said I would permit.

MR. BOGIN: Is it in evidence?

MR. DRUKER: The report itself?

THE COURT: No. The fact of a report, I will receive.

MR. BOGIN: That has been received?

THE COURT: It has not been received. We have to correct the record.

MR. BOGIN: We will correct the record.

(A recess was taken at thistime until 1:45 p.m.)

(Continued on next page.)

SS/tk
1pm1

1 (Time noted, 1:15 p.m.)

THE COURT: Where is Mr. Druker?

(No response.)

(Pause.)

LAW CLERK: He's coming, Judge.

THE COURT: All right.

(Pause.)

MR. GOLDMAN: I'm sorry, your Honor, we thought it was 2 o'clock and not a quarter to two.

(Mr. Druker enters court room.)

MR. DRUKER: My apologies, your Honor.

THE COURT: Bring in the jury.

(Jury enters court room.)

THE COURT: The jury is here.

Mr. Cahn, you can resume the stand.

MR. BOGIN: If the Court please, I would ask now for a stipulation from Mr. Druker and then with your Honor's permission I would like to interrupt the proceedings to hear another character witness before taking Mr. Cahn back on the witness stand.

THE COURT: The stipulation, as I understand -- you can fill in the dates -- was that if a police officer from Washington, D.C. were called, he would testify that the alleged theft of the attache case was reported to him by Mr. William Cahn; is that right?

MR. DRUKER: I think on December 24, 1974.

MR. BOGIN: That's the date. That stipulation is acceptable to the defense.

THE COURT: It's part of the case and you can consider it.

MR. BOGIN: If the Court please, with your permission, we would like to interrupt the proceedings to hear a character witness.

THE COURT: Yes.

MR. NEIL CAHN: The defense calls Elliott Golden.

E L L I O T T G O L D E N , having been duly sworn by the Clerk of the Court, took the witness stand and testified as follows:

THE CLERK: Full name?

THE WITNESS: Elliott Golden.

DIRECT EXAMINATION BY

MR. NEIL CAHN:

Q Mr. Golden, what is your present occupation?

A Presently the Chief Assistant District Attorney here in Kings County.

Q How long and in what capacity have you been with the Kings County District Attorney's office?

A I've been in the District Attorney's Office as an assistant for over twenty years. I started back in 1956 and worked in the various bureaus of the office and courts and

I became the Chief Assistant -- that's the second in charge of the office -- in the latter part of '64, over eleven or twelve years ago.

Q Mr. Golden, do you know the defendant, William Cahn?

A Very well.

Q How have you come to know him?

A Well, I've come to know Bill Cahn officially through my work in the District Attorney's office when he was in the Nassau County District Attorney's office. We worked together in matters of mutual concern in law enforcement.

He was very active in the New York State District Attorney's Association, as I was and still am. I've been secretary of the Association since 1965 and I worked closely with Bill as he was working his way up as an officer in the Association, as President, and also in the National District Attorney's Association, where I'm and have been for a number of years a member of the Board of Directors, as was he, and we've worked together, again, in professional capacity, both in the state and national District Attorney's Associations.

Of course, over the years, working together, a social relationship developed, so that I've come over the years to know him, to know his wife, to know you, Neil, and the family.

Q Approximately how long have you known him?

A Over a dozen years.

Q Over the course of those dozen years, have you had occasion to discuss his reputation in the community for truthfulness?

A Yes, particularly in the professional community.

Q Do you know that reputation?

A Yes, it's an excellent one.

NEAL CAHN: No further questions.

MR. DRUKER: I have no questions.

THE COURT: You can step down. Thank you, Mr. Golden.

THE WITNESS: Thank you, your Honor. It's nice to see you.

(Witness excused.)

(Mr. Cahn resumes the stand; having been previously sworn.)

THE COURT: When the parties are all here on Borriello, I may be able to take it on the side bar.

MR. BOGIN: Would you like us to suspend?

THE COURT: No, not until they're all here.

DIRECT EXAMINATION BY

MR. BOGIN CONTINUED:

Q Do you have Government's exhibit 14 before you?

A No, I do not.

Q I show you Government's exhibit 14 and 14-A (handing to witness) in evidence. Will you tell the Court and jury, please, what those documents reflect in terms of trip, date and purpose?

A Government's exhibit 14 was a trip on September 21, 1971 in which I was accompanied by an assistant district attorney, Joseph Spinatto, and in reference to the jail investigation on behalf of the County.

government exhibit 14-A was a trip on behalf of the National District Attorney's Association to Anaheim, Disneyland, to speak on behalf of the National District Attorney's Association as one of the keynote speakers for the International Association of Chiefs of Police.

Q Did you see Sam Houston on that trip?

A Yes.

Q Where did you see him?

A I saw Sam Houston -- I first saw Sam Houston in front of the TWA booth or counter at the Los Angeles Police Department -- at the Los Angeles airport.

Q This was not in your hotel room?

A It's the only time I didn't see him in my hotel room.

Q What was the reason for that?

A Because, as he put it, "every cop in the country was in Anaheim" at that time.

MR. DRUKER: This was all gone over yesterday in great detail.

THE COURT: I think this is repetitious.

MR. DRUKER: He testified about the conversations with Mr. Houston and so forth.

MR. BOGIN: I'll withdraw it.

Q Did you give Mr. Houston any money?

A I'm looking. No, I did not.

Q Did you give him meal money at the time?

A Yes.

Q How did you pay for your hotel room?

A It appears I paid in cash.

Q Did you submit a claim to the County of Nassau?

A Yes, I did.

Q What was the purpose of that claim?

A To replenish the Prosecution Fund from which I took an advance.

Q Did you submit a claim to the National Association?

A Yes, I did.

Q Who did you intend -- withdraw that.

What was the purpose of your claim to the

National Association?

A To pay for the expenses of the trip to the National District Attorney's Association.

Q Who did you intend to pay the trip relative to the business of the National Assoication?

A The National District Attorney's Association.

Q did you get a check?

A Yes I did.

Q How much did you receive?

A $538.90.

Q To your knowledge, would the County of Nassau have paid the expenses of the trip relative to the National District Attorney's Associatiom?

A They would not.

Q When you received the check, $538.90, what did you do with it?

A I cashed it and returned it to the County of Nassau.

Q How was that accomplished?

A By placing it in the envelope marked SH, Sam HOuston Fund, using it to pay the informant at a later time.

Q I ask you to look at the documents before you. Do they contain any certification?

A No, it's a letter -- The payment was for the

National Attorney's Association, was made pursuant just to a letter.

Q Did you, Mr. Cahn, knowingly, wilfully, or in your estimation fraudulantly conceal or omit to disclose any material information to the National District Attorney's Association relative to this transaction?

A No, I did not.

THE COURT: Suppose Counsel in the other matter come to side bar.

(Recess.)

THE COURT: We're on number 15?

MR. BOGIN: Does your Honor wish to see number 14?

THE COURT: No.

Q Mr. Cahn, coming to count 15, you have before you Government's exhibit 15 and 15-A in evidenc.e Would you please tell us what that set of documents reflects in terms of trip, date and purpose.

A Government's exhibit 15 in evidence indicates a trip on November 4, 1971 to -- it just says "California and Nevada" in reference to a narcotics investigation.

Q That was the County purpose.

Was there another purpose for the trip?

A I also went to Las Vegas and San Francisco pursuant

to Government's exhibit 15-A in evidence in behalf of the National District Attorney's Association, but neither the letter not the receipt from the National District Attorney's Association indicate what that trip was for and I have no independent recollection of what it was for unless it was for a committee meeting.

Q Who accompanied you on that trip, Mr. Cahn?

A That claim to the County indicates that I was accompanied by Mr. Spinatto.

Q Did you see Sam Houston on this trip?

A Yes, I did, in Reno.

Q Did you give him any money at that time?

A Yes, I did. I gave him a thousand dollars.

Q Mr. Cahn, when you gave Sam Houston a thousand dollars, who did you intend should be the payor of that thousand dollars?

A The County of Nassau.

Q You paid the hotel bill in San Francisco at that time?

A In San Francisco?

Q Yes.

A (No response.)

Q You can use your recollection to refresh, Mr. Cahn.

A Yes, I paid a hotel bill in San Francisco. The

copies are very very poor.

Q Does that tell you whether you paid in cash or by check?

A The indication is that I paid by cash.

Q Then you went to Las Vegas. Did you pay a hotel bill there?

A Yes.

Q How was that paid?

A That appears to have been paid by American Express since the stamp is on there, but it's possible it could have been for identification purposes. Yes, it appears that I paid by American Express.

Q You also went to Reno and paid a hotel bill there?

A Yes.

Q Would you describe that arrangement?

A Yes, I believe that hotel -- Wait a minute -- That hotel bill was just for Mr. Spinatto, none for me.

Q State why it wasn't for you.

A My room was complimentary.

Q You submitted these bills to the County of Nassau?

A Yes, I did.

Q What did the County of Nassau do in response to that?

A They issued the check to me.

Q What did you do with it?

A I am not certain whether I took an advance from the Prosecution Fund or not.

Q If you had taken an advance from the Prosecution Fund, what would you have done with the check?

A Repay the Prosecution fund.

Q If you had laid out your own money, what would you have done with the check?

A Repaid myself.

Q Are you certain which of these you did?

A If I could see the Government's exhibit which contains the check stubs for the Prosecution Fund, I could give you a more accurate answer.

Q I show you Government's exhibit 60 -A, B and C and ask you to see whether you can select the proper stub from those. (Handing to witness.)

MR. DRUKER: Your Honor, might I have a continuing objection to the line of inquiry as to the grounds of relevancy --

THE COURT: I'll continue that for you.

A Yes, I did take an advance, check number 745, dated November 3, 1971.

The record indicates a check was issued to me in the amount of $1,500 for my trip to San Francisco. so,

what I did was when it was repaid to me, I repaid the Prosecution Fund.

Q Funds then went back to the Prosecution Fund?

A That's correct, replenished the Prosecution Fund.

MR. BOGIN: Does your Honor wish to interrupt?

THE COURT: I thought you hadn't quite finished exhibit 15.

MR. BOGIN: I will complete it now.

Q Now, you submitted a bill by letter to the National District Attorney's Association?

A Yes, I did.

Q Did you indicate how much you wished to receive in reimbursement for that trip?

A Yes.

Q How much was that?

A $847.

Q Did you receive $847?

A Yes, I did.

Q Who did you intend the National District Attorney's Assoication part of the trip to be paid for?

A I intended the National District Attorney's Association to pay for the expenses for the trip to Las Vegas and San Francisco in the amount of $847.

Q Did you receive $847.09?

A Yes, I did.

Q What did you do with that money?

A I cashed it.

Q What did you do with the cash?

A I returned it to the County for the advance.

Q To your knowledge, would the County have paid the expenses of the trip on behalf of the NDAA?

A No, they would not.

MR. DRUKER: I'm going to object. This calls for mind reading on the part of the witness as to what other officials would have done.

THE COURT: I think he's talking about what policy is and the relationship between the NDAA payment of expenses and the Nassau County payment of expenses, something that will be ultimately for the jury under my instructions.

MR. BOGIN: Thank you, your Honor.

Q Now, Mr. Cahn, in submitting your claim to the NDAA, did you knowingly, wilfully or in your estimation fraudulantly make any fa'se statement of any material fact in reference to this transaction?

A No, I put the $847 into the Sam Houston fund to cover the advance, so I did not.

THE COURT: We'll take a short break now.

The jury is to go back to the jury room for a few minutes.

Please don't talk about the case.

(Jury leaves the court room.)

(Recess.)

(Jury enters court room.)

THE COURT: Be seated, members of the jury.

You may continue, Mr. Bogin.

THE WITNESS: Your Honor, might I point out that count 15 says $847 and the amount is $847.90.

THE COURT: That can be corrected.

THE WITNESS: Thank you.

(continued next page)

/1MPhb 1

Q Mr. Cahn, I show you Government's Exhibits 17 and 17-A.

A This says 16 and 16-A.

Q I'm sorry, 16. Correction, 16 and 16-A.

I ask you what those documents reflect in terms of date, trip and purpose?

A It reflects a trip on February 10, 1972, on behalf of the County to San Francisco, Reno, Chicago and Houston, on which I was accompanied I believe only on part of the trip by Assistant District Attorney Joseph Spinnato in reference to the jail investigation and in reference to Rackets Bureau Case 30-11. I don't remember what that particular matter refers to.

And Exhibit 16-A in Evidence, Government Exhibit, indicates a trip to Houston to speak on behalf of the National District Attorneys' Association at a luncheon, to deliver a speech in Indianapolis, and a drug conference in San Francisco in which I believe to be a mock trial which we put on.

And the expenses to the National District Attorneys' Association indicate expenses for both Mr. Spinnato and myself.

Q Would that suggest that Mr.Spinnato attended the conference with you?

A Not only attended but participated in the

conference.

Q Did you draw an advance from the County -- withdrawn.

This was a rather large trip, was it not, somewhat larger than the average?

A Yes.

Q If I understand your testimony, it ran from February 10th to February 23rd?

A Yes, it did, according to the claim to the County.

Q Did you draw an advance from the prosecution fund initially for the expenses for the trip?

A Yes.

Q Did you thereafter submit a bill to the County?

A Yes, I did.

Q For the expenses of the trip?

A Yes.

Q How was that handled in terms of the prosecution fund?

A The County replenished the prosecution fund for the advance.

Q Did you submit a bill to the National District Attorneys' Association for the expenses of the trip as related to them?

A I submitted a letter to the National District Attorneys' Association for the trip to Houston and for the trip to San Francisco, not only Mr. Spinnato, but other members of my staff who took part in the mock trial that was put on at the Drug Conference.

Q Did you advance the expenses for all of these people?

A To the extent that I submitted the bill to the National District Attorneys' Association, I advanced the expenses.

Q Did you receive a check in payment of that bill?

A Yes, I received a check in the amount of $1783.56 for all of the men involved in San Francisco and for Houston.

Q Who did you intend to pay the expenses attributable to the National District Attorneys' Association on that trip?

A The National District Attorneys' Association.

Q Did you pay your hotel bills on that trip?

A (No response.)

Q If you did, how did you pay them?

A I paid the hotel bill in Houston in cash.

It appears that I paid my hotel bill in Chicago by American Express, but I am not certain, it might just be it was for identification purposes.

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Q How about Reno?

A Just a minute.

(Pause.)

A There were two hotel bills for Mr. Spinnato in Reno which I paid in cash.

I didn't pay any hotel bill in Reno for me.

Q The reason for that?

A My room in Reno was complimentary.

Q To your knowledge, was the County of Nassau -- to your knowledge, would the County of Nassau have paid your expenses for your work for the NDAA?

A They would not.

Q Now, did you see Sam Houston on this occasion?

A Yes. I saw Sam Houston with Mr. Spinnato in Reno.

Q Did you give him any money?

A Yes, I did.

Q How much did you give him?

A I gave him $750.

Q Did you make an affidavit as part of the record of that payment?

A Yes, I did.

Q Is that one of the affidavits contained in Defendant's Exhibit I think K?

401

A Yes, it is.

Q As well as the previous payment to Sam Houston, did you make affidavits recording those payments?

A Yes.

Q Is that also contained in that group of exhibits?

A Yes.

Q Who did you intend to pay Sam Houston?

A County of Nassau.

Q When you received a check from NDAA, what did you do with the money?

A I cashed it and I returned the money to the County of Nassau for the advance.

Q How?

A By putting the money in the envelope marked Sam Houston and using it to pay him at a later date.

Q With respect to the claim and the receipts of money from the NDAA, Mr. Cahn, did you knowingly, wilfully or in your estimation fraudulently make any false statement to be material to this transaction to the NDAA?

A No, sir, I did not.

MR. NEIL CAHN: The amount?

THE WITNESS: $1783.56.

MR. BOGIN: Does your Honor wish to see --

THE COURT: No.

Q Mr. Cahn, I show you Government's Exhibit 17 and Government's Exhibit 17-A in Evidence.

I ask you what those documents reflect in the way of date, trip and purpose.

A Government's Exhibit 17 indicates a trip to San Juan, Puerto Rico, which I was accompanied by Assistant District Attorney Joseph Spinnato, Assistant District Attorney Robert Roberto, and Detective James McGhee, in reference to the International Homosexual case to which I previously referred, and Rackets Bureau Case 15-52, which I don't remember.

And thereafter, a trip to Houston, Texas with Mr. Spinnato.

Q This trip was May 3rd through May 10, 1972, is that correct?

A Yes.

Exhibit 17-A concerns only the Houston trip. It is a letter to Pat Healy, but I do not -- from the Exhibit 17-A in Evidence -- know what the particular purpose of the trip was for. I presume it was a committee meeting, but I billed the National District Attorneys' Association $432.

Q Did you bill the National District Attorneys' Association for the trip to San Juan?

A No.

Q Did you bill the National District Attorneys' Association for your trip to Phoenix?

A Phoenix?

THE COURT: Houston.

Q Phoenix.

A The letter --

Q I withdraw the Phoenix question.

Did you bill the National District Attorneys' Association for your trip to Houston?

A Yes, the exhibit so indicates.

Q Had you drawn an advance from the County of Nassau for this trip?

A Yes, I did.

Q Did you thereafter submit a bill to the County of Nassau for reimbursement?

A I submitted a bill to the County of Nassau to replenish prosecution funds.

Q Was that accomplished?

A Yes, it was.

Q Now, to your knowledge, would the County have paid the expenses for your trip to Houston for the work in the NDAA?

A No.

Q Did you submit a bill to the -- Withdrawn, you

already testified to that.

Did you receive a check from the NDAA in response to the bill for your trip to Houston?

A Yes, in the amount of $432.

Q And who did you intend to pay for the trip to Houston?

A National District Attorneys' Association.

Q When you received this check, what did you do with it?

A I cashed it.

Q What did you do with the cash?

A I returned it to the County of Nassau for the advance.

Q How was that accomplished?

A Putting it into the envelope marked Sam Houston and using it to pay the informant Sam Houston at a later date.

Q Did you see Sam Houston on this occasion?

A Yes, I did. I saw him in Houston.

Q How much did you pay him?

A I paid him $750.

Q Who did you intend to pay Sam Houston for his informant's fee?

A The County of Nassau.

Q Relative to the hotel bill, will you describe how

those are paid?

A Well, the hotel bill in Houston at the Sonesta Hotel appears to be paid in cash.

Now, it was my understanding that the hotel bill in San Juan, Puerto Rico for Mr. Spinnato, for Mr. Roberto, for Detective McGhee, and for myself, were to be complimentary.

I checked out of the hotel with Mr. Spinnato at approximately six o'clock in the morning, to the best of my recollection.

The Clerk asked for payment of my bill and Mr. Spinnato's bill.

Mr. Roberto and Detective McGhee were not checking out at that particular time.

I explained that the bill was supposed to be complimentary. He told me that as long as there is a bill with room charges, tax and incidental expenses, that indicates to him that the bill had to be paid.

We discussed the matter for a short while. I had a plane to catch. We finally agreed I would sign the bill and he would send it for payment. I accepted it. But I told him on the following day, do not have Assistant District Attorney Roberto or Detective McGhee pay the bill, let them sign it and send it and the bills will be paid.

When I got to Houston, I called Gladys and told her

to complain to ATS about the fact I had to pay the bills at the Americana Hotel in San Juan, Puerto Rico.

When I got back from Houston, I submitted these bills to the County of Nassau. The bill for Mr. Spinnato and myself, plus personal expenses for Mr. Spinnato, Mr.Roberto, Detective McGhee and myself, totaled $470.85.

When I submitted the bill to the County of Nassau, as is reflected here, I deducted these personal expenses in the amount of $234.70, which left a balance of the bill which I thought I had to pay of $236.15. That's the total of the bill that I paid -- that I submitted to the County of Nassau.

And the following day Mr. Roberto and Detective McGhee checked out and their bill totaled $200, for which they signed. They didn't pay, but for which I was under the impression that I was going to get a bill and had to pay.

I submitted the bill, less the $234 in expenses and very frankly, thereafter I completely forgot about it.

I just didn't think about it again. The fact of the matter is, no bill was ever sent to me in reference to either my bill, Mr. Spinnato's bill, Mr. Roberto's bill or Detective McGhee's bill. And I never found out about that until the middle of 1975.

At this time, there is due and owing the County of

Nassau from me, $236.15. And $200 for the bill for Mr. Roberto and Detective McGhee. But at the time I submitted these bills to the County of Nassau, I was told and I was under the impression that those bills were going to have to be paid by me.

Q Mr. Cahn --

A May I?

Q Yes, continue.

A At the conversation, when I checked out and I claimed that the bills were to be complimentary, they told me that Mr. Munoz, the gentleman in charge, or made these arrangements, was not at the hotel and all of the records were locked and could not be reached until sometime later in the morning and therefore they couldn't check into it. That's why I accepted it as having to be paid. I just didn't want to argue any more.

(Continued on next page.)

Q Did you at all times believe, Mr. Cahn, that you owed the hotel bill?

A At all times, I believed I Paid the hotel bill. It was not brought to my attention. This particular bill was not brought to my attention again until 1975, the middle of 1975. That was the first --

THE COURT: I think you said that a couple of times.

Q Have you subpoenaed Mr. Moynez to come here?

A Yes, Mr. Moynez and Mr. Solomon are under subpoena, yes.

Q Relative to the payment received by you from the NDAA, did you knowingly, wilfully, or in your estimation fraudulently in anywise misrepresent or make any fraudulent statement or false statement to that association with reference to this transaction?

A No.

Q Or to the County of Nassau?

A No, I did not.

Q Relative to Sam Houston's payment, did you file an affidavit in the same way you had previously?

A An affidavit was filed by me and Mr. Spinnato.

Q I show you, Mr. Cahn, Government's Exhibit 18, and Government's Exhibit 18-A in evidence.

I ask you whether you can tell us from those documents what dates, trip, and purpose were involved?

A Government's Exhibit 18 in evidence indicates a trip to Washington, D.C. in which I was accompanied by Mr. Spinnato on June 6th and 7th, 1972 in reference to Racket Bureau Case 1412, 36, and 619.

Q Do you know what they are?

A No, I have no personal recollection.

Q Was there also a purpose, an NDAA purpose, for this trip?

A Yes, there was.

Q What was that?

A It was again -- I went to Washington on behalf of the National District Attorney's Association to testify before a Congressional Committee on some facets of criminal law. It just says Criminal Committee.

Q To your knowledge, would the County of Nassau have paid the NDAA expense for this trip?

A No.

Q Did you draw an advance from the County of Nassau for this trip?

A It appears that I did not but I can give you a more accurate answer after I see Government's Exhibit -- the exhibit involving the check stubs.

Q I show you Government's Exhibit 60 and associate documents and ask you if you can tell us whether you drew an advance from the prosecution fund?

A Yes, I did. Check 823 indicates that I drew a check on the prosecution fund in the amount of $200 as an advance for my trip to Washington.

Q Did you later make claim to the County of Nassau for these expenses?

A To the Comptroller, yes. I made claim to the County of Nassau in order to furnish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q Did you also submit a bill to the NDAA?

A Yes, I did.

Q How was that paid?

A It was paid to me.

Q I ask you, how did you submit your bill?

A By letter.

Q Did you receive payment of that bill?

A Yes, I received payment of that bill as part of a check involving another trip entirely which had nothing to do with the County of Nassau or anybody else, just the NDAA.

Q In reference to the trip you are now testifying to, that is the trip to Washington, with the County -- withdrawn.

Who did you intend to pay for the trip costs for the work costs of the NDAA?

A National District Attorney's Association, in the amount of $153.

Q Did you receive that sum?

A Yes, I did.

Q You received this, what did you do with it?

A Cashed it.

Q How did you pay your hotel bill on that occasion?

A It appears that I paid my hotel bill in cash. Yes.

Q Returning to the fund of the County of Nassau you testified to, how did you accomplish that?

A When I cashed a check I returned the funds to the County of Nassau for the advance by depositing it into the Sam Houston envelope to pay Sam Houston at a later date.

Q Did you see Sam Houston on this trip?

A No, I did not.

Q Relative to this count, Mr. Cahn, did you knowingly, wilfully, in your estimation fraudulently make any false statement either to the NDAA or County of Nassau that might be material in the transaction?

A No, I did not.

(Continued on next page)

Q Mr. Cahn, I show you Government's Exhibit 19 and 19A (handing to witness) and ask you what those documents reflect in the way of dates and trip and purpose.

A It reflects a trip on June 8th, 1972, to Boston, Massachusetts, where I was accompanied by Assistant District Attorney Joseph Spinnato in reference to the jail investigation and Rackets Bureau case 14-12 -- again the numbers, the meaning of the numbers escapes me.

Q Was there also --

A Wait a minute; and from Boston, Houston, accompanied by Mr. Spinnato in reference to the same cases.

Q That is to say in reference to the jail investigation and R.B. 14-12?

A Yes.

Q You also traveled on behalf of the NDAA?

A Yes, I did.

Q Will you tell us about that.

A Yes, I traveled on behalf of the National District Attorneys Association to Boston for the purpose of participating in a conference on penal reform, sponsored by the Roscoe Pound Foundation, and traveled to Houston, to make contact with a gentleman who we thought would be able to help us with some Congressional penal law legislation.

Q To your knowledge, did the county of Nassau

ever pay the expenses of the NDAA on this trip?

A No, they would not have.

Q Did you draw an advance from the county to cover the expenses of this trip?

A I'll have to--

Q I'm showing you Government's Exhibit 60, (handing to the witness).

A Yes, I did. Check No. 826 indicates that I drew an advance of $700.

Q Did you thereafter bill the County of Nassau for these expenses?

A I billed the County of Nassau to replenish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q Did you also submit a bill to the NDAA for your expenses on this trip?

A Yes, I did.

Q How was that bill submitted? What form did it take?

A Just by a letter, asking for a total of the trips to Boston and to Houston in the amount of $771.

Q Had you paid your hotel bill for this trip?

A (No response)

Q Hotel bills I should say.

A Yes.

Q How were they paid?

A In cash.

Q In both places?

A Yes, sir.

Q Did you receive a check from the NDAA?

A Yes, I did.

Q And--

A In the amount of $771, even.

Q Even.

A (No response)

Q Who did you intend to pay for the expenses of the trip on behalf of NDAA?

A The National District Attorneys Association.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him--

A I saw him with Joseph Spinnato in Houston and I gave him $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Did you make an affidavit and file it?

A Both Joe Spinnato and I made affidavits when

we returned.

Q And they are part of the defendant's exhibits; is that correct?

A Yes, sir.

Q In reference to this claim, Mr. Cahn, did you knowingly or in your estimate fraudulently make any false statement either to the NDAA or County of Nassau?

A Since I returned the $771 to the County of Nassau, no.

THE COURT: Wait a minute. Did you return that, as you say, to the County of Nassau by putting it in the S.H. envelope?

THE WITNESS: Yes, I did, your Honor, and using it thereafter to pay the informant Sam Houston.

Q Mr. Cahn, I show you Government Exhibits 20 and 20-A (handing to the witness). I ask you what those documents reflect in terms of date, trip and purpose.

A Indicates a trip on February 10th, 1973, to San Francisco in reference to the narcotics investigation wherein I was accompanied by Assistant District Attorney Joseph Spinnato, also a trip on behalf of the National District Attorneys Association on behalf of both Joseph Spinnato and myself. We both participated in the conference, therefore the bill was submitted for both.

Q What was the work of the National District Attorneys Association?

A A drug conference. I presume it was to put on the mock trial in reference to the drug problem.

Q To your knowledge was the County of Nassau, would it have paid the expenses of this trip for the work of the NDAA?

A No, they would not have.

Q Did you draw an advance from the County of Nassau for the expenses of the trip?

A Yes, I did.

Q Did you later bill the County of Nassau?

A I billed the County of Nassau to replenish the prosecution fund, yes.

Q Was that accomplished?

A Yes, it was.

Q Now your hotel room in San Francisco, was that to be paid for or was it complimentary?

A The hotel room in San Francisco was complimentary, and therefore it was not paid for nor was a bill submitted to the County of Nassau for that nor was a bill for the hotel submitted to the National District Attorneys Association.

Q Would that be relevant to Mr. Spinnato as well?

A Yes, no bill was paid either way -- no bill was submitted either way.

Q Did you bill or submit a claim to the NDAA for your expenses of this trip?

A Yes, for round trip tickets to San Fransisco on behalf of Mr. Spinnato and myself, for meals, incidentals, car rental, the bill to the National District Attorneys Association was $1,154.

Q Did you receive-- I'll withdraw that.

Who did you intend to pay for the trip on behalf of the National District Attorneys Association?

A The National District Attorneys Association.

Q You received a check for $1154?

A Yes, I did.

Q What did you do with those funds?

A I cashed it and returned it to the county of Nassau for the advance that I drew.

Q How was that accomplished?

A By placing it in the Sam Houston envelope and using it to pay Sam Houston at a later date.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him any money?

A I saw Sam Houston with Joe Spinnato and gave

him $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Did you make an affidavit recording that payment?

A I made an affidavit and Mr. Spinnato made an affidavit.

Q Mr. Cahn, I show you Government's Exhibit 21 and 21-A in evidence (handing to the witness). I ask you what those documents reflect in the way of date, trip and purpose.

A Government Exhibit 21 indicates a trip to Washington, D.C. in reference to the vice squad investigation to which I previously referred and on which I was accompanied by Mr. Spinnato.

On February 26th and 27th of 1973, it also--

Government's Exhibit 21A is a bill to the National District Attorneys Association for a trip to Washington, D.C., where I testified before a Congressional committee on the privilege -- confidential privilege of newspaper men, whether or not they should have an automatic privilege as to the source of their information.

Q To your knowledge would the County of Nassau have paid the expenses of the trip you took on behalf of NDAA?

A They would not.

Q I'll go to the hotel bill--

MR. DRUKER: Your Honor, I object to that as being misleading. The question is, "To your knowledge, would the County of Nassau have paid for your travel expenses on this trip that you took for the NDAA?"

In each and every one of the questions it's on a trip Mr. Cahn testified he traveled for the county, also.

THE COURT: That's the issue, did he travel for both, got paid by both. The question to the jury would ultimately be whether that violates the criminal laws in the indictment.

MR. DRUKER: It's just a question I object as being misleading based on the evidence.

THE COURT: I'm not sure just what inferences Mr. Bogin wants to draw from it, but the question is limited to whether the County of Nassau would have paid if there had been no Nassau County purpose.

MR. BOGIN: Precisely.

The question further is the defendant's knowledge. We're not doing anything more than testifying as to his knowledge.

Q To refresh your recollection, Mr. Cahn,

relative to the hotel bill in Washington, on this occasion, was any hotel bill paid?

A Only for Mr. Spinnato, not to me, to the County of Nassau and none for me. I didn't bill the National District Attorneys Association for the hotel bill.

Q The reason for that?

A Well, at the same time the District Attorney of Lexington, Kentucky, -- Covington, Kentucky, was also testifying. He was going later and asked to use my hotel room and check out for me. He checked out and he submitted the bill for the hotel room, so I didn't.

Q So you didn't have liability for it?

A That's correct.

Q Did you draw an advance from the County of Nassau for your transportation and expenses?

A No, I did not. I advanced the money out of my own funds.

Q Did you thereafter bill the County for the expenses?

A I billed the county, to reimburse me for the advance that I made.

Q Did you receive the reimbursement for your expenses from the County?

A Yes.

Q Did you submit a bill to the NDAA?

A Yes, I did.

Q To your knowledge-- I'll withdraw that. That's already been asked.

Who did you intend to pay the expenses of your trip on behalf of the NDAA?

A The National District Attorneys Association.

Q Did you receive a check from the NDAA in response to the bill?

A In the amount of $124, I did.

Q What did you do with that money?

A I returned it to the County of Nassau to reimburse them for the advance.

Q How was that accomplished?

A By putting it into the Sam Houston envelope and using it to pay Sam Houston at a later date.

Q Did you see Sam Houston on that trip?

A No, I did not.

Q That's $124.

A $124, yes.

Q Even?

A Even.

Q Now, with reference to this count, and I think with reference to Count 20, will you please state whether

you knowingly, willfully or in your estimation fraudulently made any false statement either to the County of Nassau or to the NDAA in respect of the transactions reflected in both counts.

A No, sir, I did not.

MR. BOGIN: Your Honor, might I suggest a break at this time.

MR. DRUKER: I object to this just on the grounds with these series of questions those counts now in question don't charge a fraudulent statement. They charge a fraudulent concealment. I object to these questions as being irrelevant, referring now to Counts 11 through 46.

MR. BOGIN: I'll summarize those at the end of the case.

THE COURT: The allegation of the count, at least one of them, is that each of the claims was not a true claim for reimbursement of travel expenses, all of which were paid by Nassau County. Instead they were a device for obtaining money from the organizations and associations set forth below, which moneys William Cahn, the defendant, would be able to and did expend for purposes unrelated to the affairs and activities of the aforesaid organizations

and associations.

I suppose a question as to whether there was any intent to falsify is relevant, but it doesn't cover the exact language that's here and maybe you'll want some different formula from what we developed on the first ten counts, Mr. Bogin.

MR. BOGIN: Certainly, your Honor, rather than expose the record to a deficiency, I'll ask the general question and proceed from there with the same--

THE COURT: Think about it during the recess.

We'll take five minutes or so. The jury is to be back to the jury room, and don't talk about the case.

(The jury leaves the courtroom.)

(Recess)

THE COURT: Bring in the jury, please.

MR. DRUKER: Your Honor, I want to ask, is there any chance since this thing is starting to drag a little bit, is there any chance of sitting possibly later in the evening until five or five-thirty?

THE COURT: Well, I have my sentencing panel at 4:30 this afternoon. Possibly tomorrow we can do it.

MR. CAHN: Your Honor, I have no objection, but really, physically, it's a problem and, you know, I have an hour and a half to two hour trip each evening.

MR. BOGIN: That is a problem.

MR. CAHN: We're not sitting in Westbury and that's fine. There is a physical and mental limit of endurance.

THE COURT: I will not sit beyond 4:30 today. I may start to run later tomorrow. I have a 9:30 pretrial, so I can't start before ten tomorrow.

MR. BOGIN: To add to Mr. Cahn's objections, the fact is we all come from Nassau County. You realize the traffic congestion and we do have a long trip back and forth.

THE COURT: I've commuted from Suffolk County in the past and I've stood it when I was younger.

Bring in the jury, please.

(The jury enters the jury box.)

(Mr. Cahn resumes the witness stand.)

THE COURT: Be seated, members of the jury. We're ready to resume, Mr. Bogin.

Q Mr. Cahn, relative to your testimony regarding Counts 11 through 21, I ask you at this time whether

in respect to any of those documents or anything reflected in those counts, did you willfully, knowingly, intentionally conceal to disclosure to the County or the agency, NDAA, any material fact relating to the transaction of those counts?

MR. DRUKER: I object to that as calling for a conclusion. That's part of the jury's command.

THE COURT: A defendant charged with a crime has a right to deny it and let the jury determine not just on credibility but on all the facts whether he is or is not guilty. Objection is overruled.

Q Mr. Cahn?

A No, sir.

Q I hand you Government's Exhibits 22 and 22-A. I ask you, Mr. Cahn, what those documents represent in terms of date, trip and purpose.

A Government's Exhibit 22 indicates a trip on March 19th, 1973, to Washington, D.C., in which I was accompanied by Mr. Spinnato in reference to the vice squad case, to which I previously referred.

It also indicates that I went to Washington, D.C. on behalf of the National District Attorneys Association, apparently to testify before a Congressional committee.

Q Were you accompanied by anyone on that trip?

A Yes, by Mr. Spinnato.

Q Did you draw an advance from the County to defray the expenses of that trip?

A Yes. Check No. 936 indicates that I drew an advance of $250 for that trip.

Q Did you later bill the county for reimbursement of that advance?

A Yes, I billed the county for replenishment of the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q There was an NDAA purpose also on that trip?

A To which I already testified, testifying before a Congressional committee.

Q To your knowledge, would the County have paid the expenses of the trip for NDAA?

A They would not.

Q Did you then-- I'll withdraw that.

How did you pay your hotel bill?

A Cash.

Q Did you bill the National District Attorneys Association for the expenses of the trip?

A I billed the National D.A's Association for

the expenses of the trip.

Q Who did you intend to pay the expenses of the trip?

A National District Attorneys Association.

Q Did you receive a check from them?

A Yes, I received a check from them in the amount of $156.

Q In what form did you used to submit the bill?

A I sent them a letter and in response to the letter received a check.

Q What did you do with the check?

A I cashed it and returned it to the County of Nassau to repay the advance.

Q How was that accomplished?

A By placing it in the Sam Houston fund envelope and used to pay the informant at a later date.

Q Did you see Sam Houston on that trip?

A (No response)

Q I didn't hear your answer.

A I didn't give one.

No, I did not.

Q In respect to the transaction involved here, Mr. Cahn, did you knowingly or willfully or in your estimation fraudulently conceal or omit to communicate any material

fact to the County or the NDAA or did you knowingly or willfully make any false statement to either of those entities?

A No, I did not.

Q Mr. Cahn, I show you (handing to the witness) Government's Exhibit 23 and 23A in evidence and ask you what those documents reflect in respect to date, trip and purpose.

A It indicates a trip on April 3rd, 1973, to Chicago on which I was accompanied by Assistant District Attorney Spinnato in reference to Rackets Bureau Case 446-- I have no independent recollection of what those numbers-- what particular cases those numbers stand for, Mr. Bogin.

Q What does 23A reflect?

A 23A indicates that I went to Chicago on behalf of the National District Attorneys Association to lecture in conjunction with the International Association of Chiefs of Police on a police-prosecutor conference, the relationship between police departments and district attorneys' offices.

Q What in your estimation-- I'm sorry. I'll withdraw that.

To your knowledge would the County have paid your expenses for the NDAA trip?

A No, they would not have.

Q Did you draw an advance from the County to defray the expenses of your trip?

A Yes, I did.

Q Do you have the information?

A No, I know I drew the advance because it's to the prosecution fund, but I could tell you how much.

THE COURT: Move on.

MR. BOGIN: Beg pardon?

THE COURT: You don't need it.

MR. BOGIN: I think not.

Q Were you paid by the County in reimbursement of the advance?

A I submitted a claim to the County in order to replenish the prosecution fund, yes.

Q Was that accomplished?

A Yes, it was.

Q Did you submit a bill to the NDAA for your expenses?

A I submitted a bill to the NDAA for my expenses of the trip to Chicago.

Q Who did you intend to pay for the trip to Chicago?

A National District Attorneys Association.

Q Was there any hotel bill involved in this trip?

A I did not submit a hotel bill to the county of Nassau nor did I submit a hotel bill to the National District Attorneys Association.

Q What was the reason for that?

A It was complimentary.

Q Did you make a claim to the National District Attorneys Association for reimbursement?

A Yes, I did.

Q How and what was the form of that claim?

A It was just a letter asking for the expenses.

Q How much-- Did you receive a check?

A In the amount of $198.83.

Q What did you do with that money?

A I cashed it and returned it to the County of Nassau to repay the advance.

Q How was that accomplished?

A By placing it into the Sam Houston envelope and using it to pay the informant at a later date.

Q Did you see Sam Houston on this trip?

A Yes, I did, with Joe Spinnato.

Q Did you give him any money?

A I paid him $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Did you make an affidavit with regard to confirming or recording the payment to Sam Houston?

A I made the affidavit, Mr. Spinnato made an affidavit.

Q Are those incorporated in the exhibit?

A Yes, sir.

Q In respect to this transaction, Mr. Cahn, did you knowingly or willfully or intentionally conceal or omit or cause to be concealed any material fact relevant to this transaction, either to the county or the NDAA?

A No, sir, I did not.

Q Did you make any false-- Did you knowingly or willfully make any false statement to either the County or the NDAA with respect to this transaction?

A No, sir, I did not.

Q I show you, Mr. Cahn, Government's Exhibit 24 in evidence and ask you hwether you can tell us what those documents reflect in the way of date, time and-- date, place and purpose (handing to witness).

A Government Exhibit 24 indicates a trip to Chicago, Illinois, on April 23, 1973, again in reference to rackets bureau case 446, and on which I was accompanied

by Assistant District Attorney Joseph Spinnato.

Q Go ahead.

A Government's Exhibit 24A (handed to the witness by Mr. Bogin) indicates a trip on behalf of the National District Attorneys Association in reference to a drug conference held in Chicago at which I lectured.

Q You were accompanied by Mr. Spinnato?

A Yes, sir.

Q Did you draw an advance from the County for this trip?

A Yes, sir, I did.

Q Did you thereafter submit a bill to the county for reimbursement?

A I submitted a bill to the -- a claim to the County to replenish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q To your knowledge would the County have paid the expenses of the trip for the NDAA?

A They would not have.

Q Did you have hotel bills? Hotel rooms, in Chicago on this trip?

A I did not submit a claim for a hotel bill to either the County nor did I submit a claim for a hotel bill

to the National District Attorneys Association.

Q The reason for that?

A The hotel room was complimentary. I had no expense.

Q You submitted the bill to the National District Attorneys Association for reimbursement of your expenses?

A And for Mr. Spinnato's expenses.

Q Who did you intend to pay the expenses of this bill?

A The National District Attorneys Association.

Q What was the form of the bill you submitted?

A I submitted a letter requesting round trip air fare for Joe Spinnato and myself plus gratuities and incidentals, that's all, $327.46.

Q Did you receive a check for that amount?

A Yes, I did.

Q What did you do with that?

A I cashed it and returned it to the County of Nassau to repay the advance.

Q How was that accomplished?

A By depositing it in the Sam Houston envelope to pay the informant, Sam Houston, at a later date.

Q I ask you, Mr. Cahn, whether in this transaction you knowingly or willfully concealed or failed to

communicate any fact material to this transaction, either to the NDAA or to the County of Nassau?

A No, I did not, sir.

Q Or whether you made willfully or knowingly had made any false statement of material fact, either to the County or to the NDAA?

A I did not, not knowingly or willfully make a false statement.

THE COURT: Did you see Sam Houston on this trip?

Q Did you see Sam Houston on this trip, Mr. Cahn?

A I don't believe so, but let me make sure. No, I did not.

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Q You had before you, Mr. Cahn, Government's Exhibits 25 and 25-A in evidence.

What do those documents reflect in the way of date, place and purpose?

A Government's Exhibit 25 indicates a trip to San Francisco in reference to three cases -- two cases, Rackets Bureau Case 412, 49, 15 SP, 15 SP was Sam Houston. I was accompanied by Mr. Spinnata and Detective Sergeant Lang.

It's entirely possible on this particular trip that we went to Reno, but I have no indication of that but it could have been. And Government's Exhibit 25-A indicates that I went to San Francisco on behalf of the National District Attorney's Association to speak at a Juvenile Justice Conference, the handling of juveniles in the criminal field.

Q Did you draw an advance from the County of Nassau for the expenses of that trip?

A Yes.

Q Did you thereafter bill the County of Nassau for reimbursement?

A I billed the County of Nassau thereafter to replenish the Prosecution Fund for the advance.

Q Was that accomplished?

A Yes, it was.

Q To your knowledge, was the County of Nassau to pay the expenses of the trip for the NDAA?

A They would not have.

Q Did you then send the bill to the NDAA for reimbursement of your expenses?

A I sent a bill to the NDAA for reimbursement of my expenses.

Q What form did that bill take?

A A letter to the NDAA listing my expenses.

Q Who did you intend to pay the expenses of the trip?

A National District Attorney's Association.

Q Did you thereafter receive a check in payment of your bill to the NDAA?

A Yes, I received a check in the amount of $716.

Q Even?

A Even.

Q What did you do with that check?

A I cashed it and returned it to the County of Nassau for payment of the advance.

Q How was that accomplished?

A By placing it in the Sam Houston envelope and using it to pay the informant and Houston at a later date.

Q Were any hotel bills involved in this visit, and if so, how were they paid?

A Yes. There were hotel bills at the hotel in San Francisco and apparently they were paid in cash.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him any money at all?

A Yes, I gave him $750. I saw him with Joe Spinnato.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Did you make an affidavit or did Mr. Spinnato make an affidavit to record that payment?

A Yes, we did.

Q With respect to the transaction that you just testified to, Mr. Cahn, did you knowingly or wilfully conceal or fail to communicate any material facts to the County of Nassau or to the NDAA?

A No, I did not.

Q Did you knowingly or wilfully make any false statements to the County of Nassau or the NDAA?

A No, I did not.

Q I show you Government's Exhibit 26 and Government's Exhibit 26-A in evidence and ask you what these

documents reflect in terms of dates, place, and purpose?

A 26 indicates a trip on November 27, 1973 to Washington, DC for a meeting with the Attorney General. It indicates that I went alone.

Q Was this a County purpose?

A Yes.

Q Did you also go on behalf of the NDAA?

A This was a County purpose. I went -- Government's Exhibit 26-A was a trip to The National District Attorney's Association in reference to a Committee on which I was serving and was trying to establish a conference, a National Conference with the motion picture industry.

Q Did you draw an advance from the County for the expenses of that trip?

A Yes.

Q Did you thereafter submit a bill to the County for reimbursement?

A I submitted a claim form to the County to replenish the prosecution fund from where I drew the advance.

Q Was that accomplished?

A Yes.

Q How did you handle your hotel bill in this situation?

A I do not see the hotel bill here on Government's

26, but I charged the County the hotel.

Q What is your best recollection?

A It was 2756, my best recollection is paying it in cash.

Q To your knowledge, would the County of Nassau have paid your expense for the trip for the NDAA?

A No.

Q Did you thereafter submit a bill to the National District Attorney's Association for the expense of the trip?

A Yes.

Q What form did the bill take?

A A letter to the National District Attorney'a Association.

Q Who did you intend to pay for the expenses?

A The National District Attorney's Association.

Q Did you thereafter receive a check from the National District Attorney's Association?

A I did, in the amount of $122.83.

Q What did you do with the check? Was that 82 or 85 cents?

A $122.83.

I cashed it and returned it to the County of Nassau to repay the advance.

Q How was that accomplished?

A By placing it in the Sam Houston envelope and using it to pay the informant Sam Houston at a later date.

Q Did you see Sam Houston on this trip?

A No, I did not.

Q With respect to the transaction related in this count, did you knowingly or wilfully conceal or fail to communicate any material fact to the County of Nassau or to the National District Attorney's Association?

A No, I did not.

Q Or did you make -- knowingly or wilfully make any false statement with respect to the transaction involved either to the County of Nassau or to the National District Attorney's Association?

A No, I did not.

Q Mr. Cahn, I show you Government's Exhibit 27 and 27-A in evidence.

I ask you whether -- withdrawn.

I ask you what those documents reflect in the way of date, place, and purpose?

A Yes. It indicates a trip on July 17th, 1973, to San Francisco, Las Vegas, New Orleans, Houston, back to Las Vegas and home, I guess.

Q That was for County purposes; did you also go on behalf of the NDAA?

THE COURT: He didn't give any County purpose.

THE WITNESS: Yes, the County purpose, Rackets Bureau Case 443, 491, Rackets Bureau Case 1218, and Indictment No. 36 151. The Racket Bureau numbers I have no independent recollection of what particular files they refer to, but the indictment number I do, it was to interview an eye witness to a homicide in Nassau County.

Q Who accompanied you on this trip?

A Mr. Spinnato accompanied me to San Francisco, Las Vegas, and I believe we also went to Reno, although I am not sure. It could be.

And then I went to New Orleans, I believe, with Mr. Spinnata, and Houston with Mr. Spinnata.

Mr. Spinnata left from Houston to New York and I met Chief Spar in Las Vegas again -- returning to Las Vegas to interview the witness again.

Q I don't recall hearing you testify about the private entity purpose of this trip?

A I went to San Francisco on behalf of the National District Attorney's Association to lecture again on a police prosecuted conference as to the relationship between the District Attorney's Office and the Police Department.

Q Was there any other private entity for which you traveled?

A On this trip?

Q Yes.

A I don't recollect any. It could have been the college was involved possibly.

Q If I show you Government's 28-A in evidence, does that tend to refresh your recollection?

A Yes, sir. I went to Houston on behalf of the college.

Q Is it y our testimony now on this trip, you serve both the NDEA and National College?

A Right.

Q Did you know before you left whether or not you were going to see Sam Houston on this trip?

A Mr. Bogin, I don't think so. May I?

Q Please take your time and look at the documents and see how much of this you can remember.

A I don't believe that I expected to meet Sam Houston on this trip but I did meet him.

Q Have you told us the entire story of the itinerary?

A If I left anything out, it's unintentional.

Q To the best of your knowledge, you have told

us the entire story of the itinerary?

A I went to San Francisco, thereafter, I went to Las Vegas with Mr. Spinnata to meet a Lieutenant of the Nassau County Police Department in an effort to interview this particular eye witness to a homicide in Nassau County.

Q Did you get to interview him?

A No, it was not him. The witness became recalcitrant and wouldn't talk.

I went back to San Francisco, I believe, that very same day.

And then thereafter went to New Orleans, Houston, and then received a call from my office indicating to me that the witness in Las Vegas would now talk to us and I went to Las Vegas and was picked up there or I met with Chief Spar and we did interview the witness and take a statement from the witness at that particular time.

Q With regard to private entities, what did you do for them?

A Spoke to the -- at the Police Prosecutor's Conference in San Francisco for the National District Attorney's Association, and for the college -- lectured at the college in Houston.

Q Mr. Cahn, did you take an advance from the County of Nassau for the expenses and costs of this trip?

A Yes.

Q Did you thereafter submit a voucher to the County for reimbursement?

A I submitted a claim to the County to replenish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q Would, to your knowledge, Mr. Cahn, the County pay the expense for your trip for the college and for the NDAA?

A No, the County would have not.

Q Who did you intend to pay the expenses of the trip?

A I intended for the expense to San Francisco would be paid by National District Attorney's Association; the expenses to and from Houston were paid by the college. You had hotel bills , do you recall how they were paid?

A One hotel bill here is paid for in cash. That is the hotel bill in Las Vegas. It was paid in cash.

The hotel bill in Houston for Mr. Spinnata and myself was paid for. It appears paid for by American Express although it's possible the stamp is on there purely for identification purposes. The hotel room for New Orleans for Mr. Spinnata and myself was paid for in cash, and the hotel room in San Francisco was paid for only for Mr. Spinnata,

it appears.

Let me check that, if you will, please.

Yes, the hotel room in San Francisco was only -- the only bill submitted to the County was for Mr. Spinnata. I did not submit a hotel bill for the County of Nassau, to my knowledge, although I don't know why. I think I paid one. I can't find it here.

Q In any event, did you submit a claim to the college to the NDAA?

A Yes, I did.

(Continued on next page)

SS fls.

Q What form does the claim to the NDAA take?

A The NDAA, a letter in the amount of $847.89.

Q Did you receive a check?

A Yes, I did.

Q What amount?

A $847.89.

Q What did you do with that check?

A I cashed it and returned it to the County to repay the advance.

Q How was that accomplished?

A By placing it in the Sam Houston envelope and using it to pay the informant, Sam Houston, at a later date.

Q Did you see Sam Houston on this trip?

A Yes, I did. I met with Sam Houston in Las Vegas, with Chief Spahr.

Q Did you give him any money?

A $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q After you gave him this money did you make an affidavit to record that fact?

A Yes, sir.

Q Did Chief Spahr make an affidavit?

A Yes, sir.

Q With respect to these transactions which you testified to--

A Mr. Bogin, may I also bring to your attention that I received a check from the college, too, which I returned to the County of Nassau in the amount of $437.17, $100 of which was an honorarium, which I kept and I returned $337.17 to the County by cashing the check and putting it into the Sam Houston envelope. And using it to pay the informant at a later date.

Q Who did you intend to pay for the expenses of the trip so far as the college was concerned?

A The college.

Q In respect to these transactions to which you have testified, Mr. Cahn, I ask you whether you knowingly or intentionally or willfully concealed or failed to communicate any material fact either to the County, the college or the National District Attorneys Association.

A I didn't knowingly or willfully or intentionally do that at all.

Q Did you knowingly or willfully or intentionally make any false statement directly to the County, the college or the District Attorneys Association?

A I didn't knowingly or willfully or intention-

ally to that, either.

Q What form did the claim upon the college take?

A That was just by letter.

Q Mr. Cahn, you have before you Government Exhibit 29 -- Excuse me, I think I have to giveyou 30 as well, also Government Exhibit 30 and 30A (handing to the witness).

I ask you what these exhibits reflect in the way of date and trip and purpose?

A 29 indicate that on June 7th, 1971, I took a trip to Houston, Texas, accompanied by Assistant District Attorney Joseph Spinnato in reference to Rackets Bureau Case 15-89. Again, no recollection independently as to what what case is.

And 29-A indicates that I went to Houston to lecture as a member of the faculty of the National College of District Attorneys.

Q Count 30?

A Count 30 indicates that I made a trip on August 1st of 1971 to Reno, Nevada, San Francisco, California, and Houston, Texas, in reference to the jail investigation and I was accompanied by Mr. Spinnato.

Q And 30-A,

A 30-A indicates that I went to Houston to

lecture as a member of the faculty of the National College of District Attorneys.

Q By way of explanation, Mr. Cahn, we're grouping these together for what reason?

A I received one check for the two trips from the National College of District Attorneys.

Q Would it be more convenient then to testify about both of them together?

A Yes.

Q In connection with both trips as to which you testified, did you draw an advance from the County?

A Yes, I did.

Q Both of those cases did you thereafter make a claim on the county for reimbursement?

A I made-- I placed a claim in to replenish the prosecution fund for the advance.

Q Both in June and in August?

A Both in June and in August.

Q Were the claims honored?

A Yes, they were.

Q Was the fund replenished?

A Yes, it was.

Q How was that accomplished?

A The Comptroller sent a check, directed right

to the prosecution fund in both cases. And it was deposited in the prosecution fund.

Q You attended the National College on June 7th or thereafter as well as in August?

A Yes, sir.

Q To your knowledge, Mr. Cahn, would the County of Nassau have paid the expenses of those trips?

A They would not have.

Q Did you submit claims to the College for both of these trips?

A Yes, on June 10th I submitted a claim for $360 and in August for my trip in June and on August 10th I submitted a claim for $299 for my trip in August.

Q Do those records show who accompanied you on those trips?

A These records (indicating) -- in both instances I was accompanied by Mr. Spinnato.

Q Do those records tell you how you paid your hotel bills on those trips?

A In both instances it appears that I paid in cash for my hotel bill in San Francisco, in Reno, and in Houston.

Q Who, Mr. Cahn, did you intend to pay for the expenses of these trips?

A National College of District Attorneys, in both instances.

Q What form did the claim to the National College take?

A The forms in both instances was in the form of a letter.

Q Was there something slightly unusual about the circumstances of repayment or reimbursement here?

A Well, the fact that I sent the letter in June 10th and I didn't get paid for the expenses that I submitted and that's when I received a letter that was mentioned previously that they didn't get their LEAA grant yet and they didn't want to use their private funds because LEAA wouldn't let them reimburse the private funds from the LEAA funds and eventually, one check came to me totaling $360 and $299.

Q What did you do with the check when you received it?

A I repaid the County for the advance -- cashed it and repaid -- I didn't receive an honorarium in either instance. The check was cashed and the cash was repaid to the County for the advance that I took in both instances.

Q How was that accomplished?

A By putting the money into the S.H. envelope

for use to pay the informant at a later date.

Q Did you see Sam Houston on this trip?

A I didn't see him in June -- Just a second.

Q Did you see him in August?

A May I just ask your indulgence for a minute?

(Pause)

A (Continuing) Yes, I did. I saw him in Reno with Mr. Spinnato and Chief Spahr.

Q Did you give him any money?

A Yes, I gave him $1,000.

Q Who did you intend to pay for Sam Houston?

A The County of Nassau.

Q And Chief Spahr and Mr. Spinnato all made affidavits recording the payment?

A The three of us when we returned eventually signed affidavits to this payment, yes.

Q Mr. Cahn, I ask you relative to Counts 29 and 30, whether you knowingly or willfully or intentionally concealed or failed to communicate to the College or to the County of Nassau any material fact relative to these transactions.

A No, I did not.

Q Did you make any -- knowingly or willfully make any false or fraudulent statements to the College or

the County relative to these transactions?

A No, I did not.

MR. BOGIN: Might I suggest, your Honor, at this time, it being 4:30 and having completed Count 30 that we might terminate for the day.

THE COURT: We'll stop until ten o'clock tomorrow morning.

Ladies and gentlemen, keep in mind what I've said about not talking about the case amongst yourselves or at home or talking at all to the people in the courtroom or looking at newspapers or radio or listening to radio or watching television.

You're excused until ten o'clock tomorrow morning.

(The jury leaves the courtroom.)

THE COURT: We may finish the subject tomorrow morning then.

MR. BOGIN: I'm sure we will.

THE COURT: Mr. Druker?

MR. DRUKER: Just briefly, I didn't want to make the objection in front of the jury because it would have entailed somewhat of a speech, but I move, No. 1, I object in advance to the future questions on this and No. 2, I move to strike the

past questions. When Mr. Cahn is asked, "And what did you do with the check when you got it back?" it's a question that calls for mechanics. "I had it cashed, I took the money, I put it into an envelope marked S.H." What he's doing is beyond that. He's characterizing saying, "I repaid the County of Nassau with it." I think that's something--

THE COURT: I don't know why you didn't object to it long ago. That's a repayment of the County of Nassau that they never knew about. It may be an interpretation--

MR. DRUKER: I wasn't sure if it was covered by continuing objections to the line of testimony.

At this point I thought I might make a specific objectionto it. I think it's an improper conclusion in something that the jury is going to be asked to decide.

THE COURT: I presumed you were going to ask something about it on cross-examination.

MR. DRUKER: I am, in any event.

MR. CAHN: The entire matter, and I respectfully point out the entire matter in this particular case, because the two billings here are obviously not in dispute, but the entire matter depends upon the state of mind of the defendant and what I thought--

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THE COURT: For you to say you repaid the County of Nassau--

DEFENDANT CAHN: In my judgment, it is my intention.

MR. DRUKER: That's a different story.

MR. CAHN: The intention of the defendant, as far as I kn[illegible], not a question of law, but a question of fact for the jury to decide. I say that that was my intention.

THE COURT: When you repaid the County of Nassau or not is a question of law or intention -- it's not a testimonial question.

MR. CAHN: As you said, your Honor, it is a question of law and intention and therefore I think I am privileged to tell the jury what I intended by that repayment.

THE COURT: All right, but say it as you repaid the County of Nassau is misleading.

MR. CAHN: I suggest, your Honor, that was my intention. I repaid the County of Nassau.

THE COURT: It's still misleading when you put it in an envelope, your secret drawer, your secret closet in the County of Nassau.

MR. BOGIN: There is an arrangement with Mr. Roncallo to cover that contingency.

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THE COURT: Mr. Roncallo so said it was hypothetical.

MR. DRUKER: Between Mr. Cahn saying, "I intended to pay the County back," in response to a question as to what his intention was and the separate question as to, "What did you do?" and him giving that conclusion as a fact.

MR. CAHN: If your Honor wants me to say each and every time that what I did with it, "I intended to repay the County," I will say so. That was my intent. I think I have absolutely every right in the world for the jury to know what I thought my intent was. They may not believe me. They may not accept it.

THE COURT: They may still think you were cheating the LEAA.

MR. CAHN: They certainly may. In light of that they still have a right to listen to what my intention was at the time.

THE COURT: Except when you're asked what you did with the money, what you did with the money was cash the check and put it in an envelope.

MR. CAHN: That's correct, for what purpose?

MR. BOGIN: Excuse me. Has your Honor ruled on the objection at this point?

457 THE COURT: I think it would be better to say he put it in an envelope for S.H., if you want to ask him for what purpose intended for, let him say then he regarded that as a repayment to the County of Nassau.

MR. BOGIN: Will your Honor suspend judgment on this question until tomorrow?

THE COURT: Yes.

MR. BOGIN: Thank you.

(Time noted: 4:32 p.m.)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

982

----------x

UNITED STATES OF AMERICA, :

-against- : 75-CR-645

WILLIAM CAHN, :

Defendant. :

----------x

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. N.Y.
MAY 21 1976
TIME A.M.....
P.M.....

United States Courthouse
Brooklyn, New York

May 12, 1976
10:00 o'clock A.M.

B e f o r e :

HONORABLE ORRIN G. JUDD, U.S.D.J.

I hereby certify that the foregoing is a true and accurate transcript from my stenographic notes in this proceeding.

Official Court Reporter
U.S. District Court for the
Eastern District of N.Y.

SHELDON SILVERMAN
OFFICIAL COURT REPORTER

Appearances:

DAVID G. TRAGER, ESQ.
United States Attorney
for the Eastern District of New York

BY: JAMES DRUKER, ESQ.
-and-
PETER GOLDMAN, ESQ.
Assistant U.S. Attorneys

WILLIAM CAHN, ESQ.
Pro Se

-and-

NEIL CAHN, ESQ.
-and-
HAROLD BOGIN, ESQ.
Attorneys for Defendant

SS/rp 460

THE COURT: Are we all ready to start?

MR. BOGIN: Might I ask your Honor to note this morning that we have character witnesses of the judiciary in line with the previous arrangements.

THE COURT: Put them on.

MR. CAHN: At this time, might I bring to the Court's attention that Mr. Druker has informed me that he made inquiry from the marshal's office about the information which we requested pursuant to subpoena.

Mr. Druker informs me that the marshal told him that records prior --

MR. DRUKER: Prior to July of '72 were destroyed and subsequent to July of '72, they're down in the basement in cartons by year, not filed by witness and it would be a virtually impossible task to go through them.

You would have to go through thousands and thousands of witness vouchers for the whole year looking for the particular witness.

THE COURT: What are the years involved here?

MR. DRUKER: Fiore, as I recall it, testified as a witness in or about January or February, '72,

461 in a trial here, in the Grand Jury, prior to that and a trial in and around June of '72.

Those could have been '73 dates. I'm just going on recollection.

I'm almost certain that it was '72. The trials were before Judge Dooling.

THE COURT: Can you check whether it's '72 or '73 and maybe we can ask the marshal?

MR. DRUKER: Before we ask the marshal to do that, your Honor, I think that this should be considered on its merits, assuming for the sake of argument these records could be dug up with an exhaustive search, I can't imagine them being admissible for any purpose in this trial at least based on representations Mr. Cahn has as yet made.

I think perhaps before we put the marshal to those labors, we determine the threshhold of admissibility.

THE COURT: You say there is something innovative.

MR. CAHN: Yes, the method of payment of an informant in this particular case was, in my judgment, your Honor, similar to the method that I used to pay the information Sam Houston.

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I think it important that this be brought to the attention of the Jury, if it is, as has been related to me by Mr. Fiore.

I will definitely concede I don't know and I will not vouch a hundred per cent for the veracity or the character of Mr. Fiore.

I do have a statement from him which indicates to me, your Honor, that a similar method --

THE COURT: That somebody signed false vouchers?

MR. CAHN: Yes, sir.

MR. DRUKER: I will see if the marshals can do anything.

THE COURT: See what you can do.

Bring in the Jury.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen.

I think we have some students from LaGuardia Community College watching in the Courtroom today or listening.

We will just proceed as usual.

You wanted to interrupt Mr. Cahn, and put on some character witnesses?

MR. CAHN: Thank you for the Court's indulgence.

463 THE COURT: I will hear them.

MR. NEIL CAHN: The defense calls Judge Collins.

P A T R I C I A D. C O L L I N S ,

called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Full name?

THE WITNESS: Patricia D. Collins.

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Judge Collins, what is your present position?

A I am a Judge of the Family Court in Nassau County.

Q Would you tell us a little about your background as far as other positions or occupations you have held?

A Prior to being elected to the Family Court, I was elected to the District Court of Nassau County.

Prior to that, I was confidential law secretary to Justice Derounian of the Nassau County Supreme Court.

Prior to that, I was deputy town attorney for the Town of Hempstead.

Before that, I was in private practice.

Q Judge, do you know the defendant William Cahn?

A Yes, I do.

Q Approximately how long have you known him?

464 Judge Collins - direct

A I was thinking about that coming in.

As far back as I can remember him being district attorney and my living in the County all my life. I guess it's got to be 15 years, maybe a little more.

Q How do you know him or how did you come to know him?

A Well, I came to know him because I was involved in plitics and working in various elections, and he was a candidate on many occasions.

I met him at various social, religious and political functions and I guess everyone in Nassau County knew who the district attorney was.

Q Over the course of this 15 years, have you had occasion to discuss Mr. Cahn's reputation for truthfullness with members of the community?

A Well, I don't know if I sit down and have a discussion.

I'm aware of what it is. I don't remember ever having really a discussion as such with somebody. I imagine we have talked about Mr. Cahn and his name has come up among attorneys, and I don't know if I had a discussion in the sense of sitting down and talking about it, that alone.

Q You said you are aware of his reputation for

465 Judge Collins - direct

truthfullness in the community.

A Yes.

MR. DRUKER: I'm going to object.

I don't think the proper foundation has been laid. If the witness didn't hear or participate in any discussions about it, then all she would be testifying to would be her own opinion.

THE COURT: She can testify the other way, shether she's heard anything bad about it.

Q You mentioned that you do know of his reputation for truthfullness.

How did that knowledge of his reputation come to you?

A Well, I would say as the Judge just indicated, perhaps I can answer it better in a negative fashion.

To the best of my recollection, I've never heard him publicly criticized until this matter came up and prior to that, he was our district attorney in the County and I never heard anything evil said about him.

MR. NEIL CAHN: I have no further questions.

THE COURT: Any cross-examination?

MR. DRUKER: Just briefly.

(Continued on next page.)

CROSS-EXAMINATION

BY MR. DRUKER:

Q Had you ever heard anything to the effect that Mr. Cahn went to witnesses, or prospective witnesses, in this case, and tried to induce them to testify falsely on his behalf?

Had you heard that at all, Judge?

A I haven't heard it from anybody's mouth. I've been reading about the trial. I don't recall reading that, sir.

Q That didn't enter into any of the discussions you heard; is that correct?

A No, I haven't heard that discussed.

Q If that were establied to you as a fact, do you think that would change Mr. Cahn's reputation for truthfullness in the community?

MR. NEIL CAHN: Objection.

THE COURT: It's a hypothetical question.

MR. NEIL CAHN: I don't believe that hypothetical was established during this case.

MR. DRUKER: I believe it is proper on cross-examination of a character witness to put it in that fashion, your Honor, assuming that it were established as a fact.

MR. NEIL CAHN: The question is --

THE COURT: I will let her answer.

THE WITNESS: Are you asking me, sir, if it were proven that Mr. Cahn had attempted to induce a witness to testify untruthfully, would that change my opinion of him?

BY MR. DRUKER:

Q Yes, ma'am.

A Well, as an individual who believes in the truth, I would be sorry to hear it about anyone, Mr. Cahn included, and I would feel that their veracity had been reflected upon adversely but whether I would say that man's whole good life of performance, all the good things he has done --

Q Just on truthfullness.

THE COURT: No, she is entitled to finish.

A -- to say he's a bad person after a lifetime of otherwise good reputation, I would think that was, of course, a wrong thing to do.

I would hope -- I would hope such a thing would not be established about a good person, if it were, in all good common sense, in accordance with my belief in morality, what's right, I would have to say I would think wrong of it.

Whether I condemn a man forever because he has been proven to do one wrong thing, we all hope the man upstairs will forgive us for transgressions.

I have to hope the same way for anybody else.

MR. DRUKER: Thank you for your candidness.

THE COURT: You are excused.

THE WITNESS: Thank you, your Honor.

(Witness excused.)

(Continued on next page.)

NICHOLAS M. PETTE, called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Full name.

THE WITNESS: Nicholas M. P-e-t-t-e, 150 East 69th Street, Manhattan, New York.

THE COURT: Good morning, Judge Pette.

THE WITNESS: Good morning.

DIRECT EXAMINATION

BY NEIL CAHN:

Q Judge Pette, what is your present occupation?

A Will you keep your voice up, please?

I'm sorry.

What is your present occupation?

A I'm a lawyer now, retired from the Supreme Court.

Q Would you tell us a little bit about your brackground?

A A little bit about what?

Q Your background, sir.

A Well, I was a Judge for 40 years, both on trial in the Appellate level and recently retired because of age from the Supreme Court.

I was a member of the New York State Assembly

and an assistant district attorney and a deputy attorney general.

Q Judge, do you know the defendant William Cahn?

A What's that?

Q Do you know the defendant William Cahn?

A I didn't hear what you said.

Q Do you know Mr. Cahn?

A Do I know Mr. Cahn? I certainly do and very well.

Q How long have you known him?

A I've known him for about -- approximately 25 years.

Q How have you come to know him in that 25-year period?

A Well, I became socially and professionally acquainted with him and acquainted with very many people who knew him and who discussed him.

Q During that 25 years, have you had occasion to discuss Mr. Cahn's reputation in the community for truthfullness?

A Oh, yes, indeed.

Q do you know that reputation?

A I do.

471 Judge Pette - direct

Q What is that reputation for truthfulness?

A I consider it an excellent reputation based upon my present knowledge of his character and his work in the district attorney's -- as district attorney is distinguished, his long career and his work in the field of human rights.

On those bases, I consider him to have an excellent reputation.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Judge Pette, just briefly, you do not have any personal knowledge, to you, sir, as to whether or not Mr. Cahn was using the United States mails to defraud any organizations --

A Oh, no.

Q Similarly, you do not have personal knowledge whether Mr. Cahn was making false statements to federally funded agencies, do you, sir?

A No.

MR. DRUKER: Thank you, Judge.

(Witness excused.)

(Continued on next page.)

CARL VERGARI, called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Full name?

THE WITNESS: My name is Carl Vergari.

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q What is your present occupation?

A District attorney of Westchester County.

Q Would you tell us a little bit about your background?

A I've been district attorney of Westchester county since January 1, 1968, and re-elected to that position three times.

From 195[illegible] to 1968, I was chief counsel to the New York State Commission of Investigation.

From 1948 to 1958, I was an assistant district attorney of New York County, assistant D.A. of Frank Hogan.

Q Do you know the defendant William Cahn?

A I do.

Q Approximately how long haveyou known him?

A Well, I would say upwards of 25 years. I think Bill started as an assistant D.A. in Nassau County,

was then district attorney with Mr. Gulotta, who is now the Chief Justice of the Appellate Division, Second Department.

Bill started as an assistant D. A. in Nassau County about the same time and perhaps a little bit after I started as an assistant D. A. in New York County, and got to know each other as assistant D.A.'s, both members of the New York State District Attorneys Association in connection with law enforcement activities in the metropolitan area.

Our friendship and relationship, professionally, has continued over the years.

Q In that time, have you had occasion to discuss his reputation about truthfulness in the community?

A Yes, I have.

Q Would you know that reputation?

A I do.

Q What is that reputation?

A Excellent, outstanding. Bill has enjoyed a reputation among his fellow prosecutors and I can speak to that, because I know him over 25 years, and an outstanding reputation as a prosecutor, a gentleman, as a man of truth.

MR. NEIL CAHN: No further questions.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Mr. Vergari, would you describe yourself as a close friend of Mr. Cahn's?

A Yes, I think so.

Q Have you had occasion to travel with Mr. Cahn on any trips to Europe?

A A couple of trips. One to Europe, I think.

Q Spain in July of 1972?

A Yes.

Q Thereabouts?

A (No response.)

Q Didn't you also go to London, England, and other cities in Europe with Mr. Cahn in Novemberof 1971?

A Yes.

Q Had you heard that Mr. Cahn had received that trip for free?

A No.

Q That trip to London, England?

A I did not.

Q And that he turned around and billed Nassau County for it nonetheless?

A No, I did not.

Q If that were established to your satisfaction

475 Vergari - cross

to be a fact, would that influence your opinion as to his truthfulness?

A Would it influence? No.

Q It wouldn't change your opinion at all?

A No.

Q That he got a free trip and billed Nassau County?

A I would assume there was some perfect justification for his having done that.

I just can't believe this man whom I've associated in law enforcement for upwards of 25 years doing anything illegal.

Q How about if it were established to your satisfaction that Mr. Cahn tried to influence prospective Government witnesses to testify falsely on his behalf, would that change your opinion as to his truthfulness and honesty?

A No, it would not, counselor.

The only circumstance under which I would believe that Bill Cahn would so something like that is if Bill Chan came and told me himself.

Q Well, did Bill Cahn tell you at any time --

A Of course not.

Q You anticipate my question.

By the way, you were president of the National District Attorneys Association?

A No, I wasn't but I hope to be.

Q Were you an officer of the NDAA?

A A member of the Boardof Directors and executive committee for several years.

Q Have you traveled to some degree pursuant to NDAA business?

A Yes.

Q Did you ever bill the NDAA and your home county for your travel expenses for the same trip?

A No, I would not.

Q Would you think that's proper, Mr. Vergari?

A (No response.)

Q You would not rather comment?

A I don't think it is a proper question.

THE COURT: You don't have to answer.

Anything more?

MR. DRUKER: Thank you, your Honor.

THE WITNESS: Anything else?

REDIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Is it a fact, Mr. Vergari, that you are familiar with Article 12 of the by-laws of the National

District Attorneys Association, the by-laws?

A No, I'm not. They were mentioned to me in the hallway. Up to that moment, I never heard of Article 12, whatever it is.

MR. NEIL CAHN: No further questions.

THE COURT: Thank you.

THE WITNESS: Thank you, Judge.

(Witness excused.)

P A U L J. W I D L I T Z , called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Full name?

THE WITNESS: Paul J. Widlitz, 36 Raspberry Lane, Levittown, New York.

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Judge Widlitz, what is your present position?

A I'm Administrative Judge of the Nassau County Courts.

I'm also a Justice of the Supreme Court.

Q Could you tell us about your background?

A Well, I've been a Judge, this is my 25th year in July.

I've been a Judge in the various courts starting

with the District Court of Nassau County, County Court.

I was Judge of the County Court when Judge Cahn was a district attorney of the County and also now in the Supreme Court, I've started my second term after 14 years in the first term.

Q You know the defendant William Cahn?

A I do.

Q Approximately how long haveyou known him?

A Well, let's see. That's 25 on the bench.

I would say over 30 years. We both vied for the first opening in the district attorney's office in 19 -- I don't know, 30 years ago. He won.

Q On that period of time, have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A I have.

Q Do you know that reputation?

A I do.

Q What is that reputation?

A Excellent.

MR. NEIL CAHN: No further questions.

CROSS-EXAMINATION

BY MR.DRUKER:

Q Judge Widlitz, you don't have any personal

knowledge, do you, sir, as to whether or not Mr. Cahn was committing mail fraud or using the United States mails to defraud various organizations around the country?

A I do not.

Q Is it also fair to say you don't have any personal knowledge as to whether or not Mr. Cahn was making false certifications or concealing material facts from Federally funded organizations around the country?

A I do not.

MR. DRUKER: Thank you, sir.

THE COURT: Thank you, Judge Widlitz.

THE WITNESS: Thank you.

THE COURT: We talked about going out to Westbury to make it easier for you but there were not many long witnesses who are from out there.

THE WITNESS: Right.

(Witness excused.)

MR. DRUKER: Might I ask for there are any more defense witnesses in the Courtroom?

THE COURT: Go ahead, please.

F fls.

(Continued on next page.)

P A U L K E L L Y , called as a witness, having been first duly sworn by the Clerk of the Court, testfified as follows:

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Judge Kelly, what is your present occupation?

A I'm a Justice of the Supreme Court of the State of New York, sitting in Nassau County.

Q Could you tell us a little bit about your background?

A Well, I've been a lawyer for 40 years this month, almost to the day. I've practiced law for five years, during that time I was appointed Deputy Commissioner of Housing for the State of New York by Governor Dewey.

I became police justice of my village, Freeport, Long Island. I then was elected to the County Court of Nassau County and during that time I was appointed the Administrative Judge of that county and I served with Mr. Cahn as the Administrative Judge, he being the District Attorney, for some 12 years.

I became Supreme Court Judge, elected Justice of the Supreme Court and I still maintain that position.

Q You have testified you do know the defendant William Cahn?

A I've known William Cahn as long as he's been practicing law in Nassau County. I remember when he started.

Q Over that period of time have you had occasion to discuss the defendant's reputation in the community for truthfulness?

A Many times.

(Continued on next page.)

SS:jd
lam/2

Kelly-direct

Q. Do you know that reputation?

A I do.

Q What is that reputation?

A His reputation is excellent.

Q Judge Kelly, one additional question.

About 1969 or 1970, did you have an occasion to make a request of Mr. Cahn to conduct an investigation as to the conditions in the Nassau County jail?

A I did.

Q Could you - -

A Information had reached me in my position as Administrative Judge of Nassau County that a certain situation of conditions were existing in that jail which could not be tolerated.

I there upon called upon Mr. Cahn as the investigative arm of the court, so to speak, to go into this and to look into it and to find out exactly what there was behind it. I remember distinctly telling him,"If we dont do it out here I'm sure the Federals will do it." You know. Mr Cahn there upon took it up and carried it unto its consummation.

MR. NEIL CAHN: No further question.

CROSS EXAMINATION

BY MR. DRUKER:

Q Judge Kelly, do you know when you refer to the

consummation on that investigation, did that include an indictment against a guard for stealing a two dollar pair of underwear?

A There were indictments against the guards, young man for violating the law, for violating the civil rights of prisoners who were helplessly in their care. That's what the indictments were about. Whether it was taking their underwear or taking anything else from them, that they should not have been deprived of.

Q Judge, weren't 18 of those indictments thrown out for insufficient evidence by the - -

A I have not accounted for that. There were convictions also and one conviction.

Q Weren't one but all of those convictions thrown out?

A No, I don't think so.

Q Isn't it a fact, so far only one conviction has stood out of two or twentythree indictments, Judge.

A I don't really know, but if one conviction, if one man's rights were being deprived to him, then Mr. Cahn and my investigation of that was well worthwhile, Counselor.

Q Isn't it a fact that one conviction is in the Appelate Court right now.--

A I don't know.

Q - - being determined? 1008

A I have lost all track of it since I've come into the other court.

Q In your conversations about Mr. Cahn's credibility, was there ever anything discussed as to whether or not Mr. Cahn had gone to prospective government witnesses and tried to influence them to falsify their testimony in this case.

A No.

Q That did not enter into the discussion.

A Of course not.

Q Did it enter into the discussions at all about Mr. Cahn's reputation, whether or not he had received complimentary trips or complimentary hotel rooms, turned around and submitted phoney invoices in the county?

A You mean in the conversations I might have had about his honesty and integrity?

Q Yes.

A Your question is, did that - -

Q Did it every come up?

A No, no.

MR. DRUKER: I have no further question.

THE COURT: Thank you, Judge Kelly.

THE WITNESS: Thank you, Judge.

THE COURT: You may go back. I have read some

Kelly- cross

of your records. I'm glad to see you.

(Witness excused)

E M A N U E L L E V I N E, called as a witness, having been first duly sworn by the Clerk of the Court testified as follows:

THE CLERK: Full name

THE WITNESS: Emanuel - - some people say Levin, some people say Levene (ph)

THE WITNESS: Judge, Might I apoligise. I've just about a month ago had been operated for cataract.

THE COURT: That comes to a lot of people as they get older. If you need help finding your way --

THE WITNESS: In my case they have a new precedure. They implanted the lense right at the time they took the cataract out which is very unusual. I haven't recovered my sight. I want to apologise.

THE COURT: I hope it will be successful.

DIRECT EXAMINATION

BY MR. CAHN:

Q Judge, what's your present position?

A Well, they retired me from Supreme Court Bench about a year and three months ago. I'm just a lawyer now. I'm an ex-Supreme Court judge.

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Q Would you tell us a little bit about your background?

A Can I?

THE COURT: Yes.

A Well, I became an attorney around I think 1929. That was lata in life. I was in retail before that. I owned a cigar store. I went to alw school and became an attorney, 1929.

I'll be 79 on my next birthday, so please bear with me on some of my memory.

I was a Village Judge of the village of Manhaven, in Port Washington, between 1930-1932; and I was a village counsel to the village of Port Washington Northfor many years.

I became a district court judge of the County of Nassau in 1953 and I served until 1958.

I then was elected District Attorney of the County of Nassau January, 1959, and was re-elected to finish out my second term and became a Supreme Court Justice January 1, 1963.

And I served until the end of December, 1974. I am now just a lawyer.

Q Judge, do you know the defendant William Cuhn?

A Oh, yes, he worked for me. He was my assistant

-- He was the head of Rackets and Homicide.

Q How long have you known him?

A WEll, certainly when I was on the district court bench. Many ,many years ago.

Q Over that period of time have you had occasion to discuss his reputation in the community for truthfulness?

A Not only in the community, but elsewhere almost throughout the country.

Q Do you know that reputation?

A I did.

Q What is that reputation?

A That reputation was excellent. I take his word now and forever on whatever he says.

MR. NEIL CAHN: No further questions.

CROSS EXAMINATION BY

MR. DRUKER:

Q Judge Levine --

A I might say that he kept Rackets -- Am I talking too much?

THE COURT: Just answer the questions. You've probably told that to a number of witnesses.

THE WITNESS: I used to get credit for keeping the rackets out, but he did the work.

THE COURT: So-called character testimony deals

with reputation, and sometimes we get into a lot of collateral --

THE WITNESS: They are pretty strict in the State Court.

THE COURT: I may not run the type of court you did.

Q Judge Levine, you don't have any personal knowledge of whether or not Mr. Cahn was using the United States mails to defraud associations around the country?

A Has that been established?

THE COURT: That is the issue in the trial.

THE WITNESS: It hasn't been established yet.

THE COURT: The question is whether you have personal knowledge.

THE WITNESS: Absolutely not.

Q I take it you do not have any knowledge whether or not Mr. Cahn was concealing material facts from various organizations around the country, Federally-funded organizations?

A I don't have that fact and I don't believe it.

Q You haven't say through the trial or heard the evidence here?

A No.

MR. DRUKER: Thank you, your Honor.

THE COURT: You are excused.

THE WITNESS: Thank you, very much.

(continued next page)

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THE COURT: Mr. Cahn, you can take the stand again, as you know you are still under the oath you took two days ago.

MR. CAHN: Yes, sir.

W I L L I A M C A H N, having been previously sworn as a witness, resumed the stand and testified further as follows:

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DIRECT EXAMINATION

BY MR. BOGIN (Continued):

Q Mr. Cahn, I hand you Government Exhibit 31 and 31 A in evidence.

I ask you to look at them.

A Yes.

(Pause.)

Q Will you tell us, please, what those documents reflect in the way of date, trip and purpose of the trip?

A Government's Exhibit 31 indicates a trip on February 2, 1972 to Houston and New Orleans, accompanied by Joseph Spinnato, in reference to the jail investigation and to Racket Bureau case 1412.

Again, I don't remember what the Racket Bureau case was. And Government's Exhibit 31A indicates a trip to Houston on behalf of the National College of District Attorneys, and it's in February, I would say from the letter it indicated a meeting of the Board of Regents.

Q In travelling for the County of Nassau did you draw an advance from the Prosecution Fund?

A I will have to look at the exhibits with the stubs. The check stubs.

Q That is Government's 460A and sequence.

A Yes, I did.

Q Did you later submit a bill to the County of Nassau?

A Yes, I filed a claim with the Controller to replenish the Prosecution Fund.

Q Was that later accomplished?

A Yes, it was.

Q Did you also submit a claim to the National College?

A Yes, I sent a letter to the National College asking for reimbursement for my expenses for the trip.

Q The form of that claim was a letter which is in evidence?

A Yes.

Q Now, how was your hotel bill paid on that trip?

A Both the bill in Houston and the bill in New Orleans were paid in cash, for both Mr. Spinnato and myself.

Q Now, did you bill the College for the entire period of time that you stayed in New Orleans or I think

1015

it was houston?

A No.

Q Will you explain that?

A No, the letter indiciated -- the hotel bill indicated I was in Houston two nights. I billed the College for one night stay.

Q At what rate did you bill the College?

Do you recall? Single rate?

A Yes.

Q What was it?

A Mr. Spinnato had nothing to do with the college.

Q Did you thereafter receive a check from the College?

A Yes, I did.

Q How much was that?

A $251.

Q What did you do with those funds?

A I cashed the check and put the cash into the -- into the envelope marked Sam Houston.

Q When you did that what was your intent in respect to the making of that deposit?

A To repay the County of Nassau for the advance made to me.

Q To your knowledge would the County of Nassau have paid the expenses for the trip relative to the College?

A They would not have.

Q Did you see Sam Houston on this trip?

A Yes, I did.

May I say, I saw Sam Houston on this trip, as I indicated in Defendant's Exhibit L in evidence. Which -- and the date on it is February 7, 1972. It states, "Met with Joe and Sam Houston in Houston on 2/15/72 --" that is a typographical error.

I did meet with Sam Houston sometime between February second and sixth in Houston, in 1972.

Q Did you give him any money on that trip?

A No, I did not.

Q In respect to the transactions we have just described, did you knowingly or willingly conceal or fail to communicate to the County or to the College any material fact relevant to these transactions?

A I did not knowingly or willfully do that at all.

Q Did you knowingly or willfully make any false statements or in your opinion any fraudulent statement to the College or to the County?

A No, I did not.

Q Mr. Cahn, I show you Government's Exhibit 32 and 32A in evidence, and ask you what those documents

reflect in the way of date and trip and purpose of the trip?

A Government's Exhibit 32 indicates a trip to Houston, Texas in which I was accompanied by Joseph Spinnato on July 16, 1972, in reference to Racket Bureau case 1552.

And Government's Exhibit 32A indicates a trip to the College where I spoke as a member of the faculty to the Prosecution course given at that time.

Q To your knowledge, would the County of Nassau have paid for the trip to the College?

A No.

Q Did you draw an advance from the County for the trip?

A Yes.

Q Did you thereafter bill the County?

A Yes, I filed a claim with the County to replenish the prosecution fund.

Q Was that accomplished?

A Yes.

Q Did you thereafter -- withdrawn.

Did you stay in a hotel in Houston?

A Yes, I did.

Q How was the hotel bill paid?

A Cash, both Mr. Spinnato's room and mine paid in

cash.

Q Did you thereafter -- I beg your pardon.

A Less personal expenses.

Q Did you thereafter submit a claim to the College for reimbursement?

A Yes.

Q What was the form of that claim?

A Just a letter to the College.

Q Are there any certificiations in the letter?

A No.

Q As a result of that letter, did you receive reimbursement?

A Yes, I received a check for my expenses.

Q How much.

A $296.

Q What did you do with that?

A I cashed it and put it in the envelope marked Sam Houston.

Q What was your intent in so doing?

A To repay the County for the advance given to me.

Q Who did you intend to pay the expenses of the trip?

A The College.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him any money?

A Yes, I did.

Q How much money did you give him?

A $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

(Continued on the next page.)

BY MR. BOGIN:

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Q Relative to the transactions you have described, Mr. Cahn, did you willfully or knowingly conceal or fail to disclose to either the County or the college any material facts?

A No, I did not willfully, knowingly, do that.

Q Did you willfully, knowingly, or fraudulently make any false statements either to the college or to the County?

A I did not knowingly or willfully do that either, Mr. Bogin.

Q Mr. Cahn, I show you Government's Exhibit 33 and 33-A inevidence and I ask you what those documents reflect as to date and trip and purpose of trip?

A Government's Exhibit 33 indicates a trip on October 6, 1972, to Houston, Texas which I was accompanied by Mr. Spinnato in reference to the vice squad case that I previously talked about.

Q Did you also go to Houston for another purpose?

A Government's Exhibit 33-A indicates that I went to Houston on behalf of the National College of District Attorneys as a member of the curriculum committee to set up the courses which would be taught the following

year.

Q Did you draw an advance from the County for your transit?

A Yes.

Q Did you later submit a claim to the County?

A Yes, to replenish the prosecution funds.

Q Was that accomplished?

A Yes, it was.

Q Now, to your knowledge, would the County have paid the expense for your trip for the college?

A They would not have.

Q Did you submit a bill to the college?

A I submitted a bill to the college for my expenses for the trip to Houston, yes.

Q What form did that take?

A Letter.

Q Are there any certifications in the letter?

A No, just what my expenses are.

Q Did you thereafter receive reimbursement?

A I received a check in the amount of $279.

Q What did you do with the check?

A I cashed it and placed the cash in the envelope marked Sam Houston.

Q What was your intent in so doing?

A To repay the County for the advance they gave me for the trip.

Q Who did you intend to pay the expense of the trip?

A National College of District Attorneys.

Q Did you see Sam Houston on that trip?

A Yes, I did.

Q Did you give him any money?

A Yes, I did.

Q How much did you give him?

A $750.

Q Who did you intend to pay Sam Houston?

A County of Nassau.

Q By the way, how was your hotel bill paid on this occasion?

A The hotel bill for both Mr. Spinnato and myself has written on it: "AMX," but I don't make out the stamp of any American Express card. That may have been just for identification purposes or the method by which they identified me, I'm not sure. It could have been by American Express or cash.

Q Mr. Cahn, in respect to these transactions, did you knowingly or willfully conceal or fail to communicate to the college or to the County any material facts?

A I didn't knowingly or willfully do that, sir.

Q Did you knowingly or willfully make any false or fraudient statement to the college or the County?

A I did not knowingly or willfully do that.

Q I show you Government's Exhibit 34 and 34-A in evidence and I ask you to examine these documents?

A Yes.

Q Will you please tell us what these documents reflect?

A They reflect a trip on January 9, 1972 to New Orleans with Mr. -- Assistant District Attorney Joseph Spinnato.

THE COURT: Are you sure it's '72?

It says '72, all right.

Q I'm sorry, did your Honor address me?

THE COURT: No, I said the exhibit says 1972.

THE WITNESS: It says 1972 on the top and 1973 on the bottom.

THE COURT: It may have been one of those January dates where the wrong date was put in.

THE WITNESS: 1973. January 9, 1973, to New Orleans with Mr. Spinnato in reference to a racket bureau 1412. 1412 may have been, giving it some reflection, an international gambling case that

was centered in Nassau County. I have a recollection.

Q Did you also discharge a function for the college?

A Yes. Government's Exhibit 34-A indicates that I went on a trip to New Orleans on behalf of the National College of District Attorneys which was called in New Orleans by the Dean. It was a trip for the Board of Regents.

Q Did you draw an advance from the County?

A Yes, I did.

Q Did you thereafter submit a claim to the County?

A I filed a claim to replenish the prosecution fund.

Q Was that accomplished?

A Yes it was.

Q How was your hotel bill paid?

A Cash.

Q Did you thereafter submit a claim to the college?

A Yes, I did.

Q What form did the claim take?

A Pardon me?

Q What form did the claim take?

A A letter to the Dean.

Q Was there any certification in the letter?

A No.

Q Did you thereafter receive reimbursement?

A Yes, I received a check in the amount of $295.

Q What did you do with that check?

A I cashed it and placed it into an envelope on Sam Houston.

Q What was your intent in so doing?

A Repay the county for the advance.

Q To your knowledge, would the County have paid the expenses for the trip forthe college?

A No, it would not have.

Q Who did you intend to pay the expenses of the trip?

A The National College of District Attorneys.

Q Did you see Sam Houston on this occasion?

A Yes, I did. I saw Sam Houston in New Orleans.

Q Did you give him any money?

A $750.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Now, Mr. Cahn, in respect to these transactions, did you knowingly or willfully conceal or fail to communicate to the college or to the County any material facts?

A I didn't do that at all, Mr. Bogin.

Q Did you knowingly or willfully make any false statement to the college or to the County?

A No, I didn't do that either.

Q I show you Government's Exhibits 35, 35-A in evidence, and I ask you to state what those documents reflect in the way of time, and trips, and purpose?

A It indicates a trip -- Government's Exhibit 35 indicates a trip to Houston in reference to racket bureau cases 443 and 491, which I was accompanied by Mr. Spinnato.

Q 35-A?

A 35-A indicates a trip to Houston on behalf of the National College of District Attorneys to attend a meeting of the Board of Regents.

Q To you r knowledge, would the County have paid the expense for the trip to the National College?

A No, it would not have.

Q Did you draw an advance from the County?

A Yes, I did.

Q Did you thereafter submit a claim to the

County?

A Yes, I did.

Q Was that claim paid?

A The claim was to replenish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q Did you thereafter submit a claim to the college?

A Yes, I did.

Q In reference to that claim, how did you handle the hotel charge?

A Let me see if this is the one. Yes. In the middle of -- my hotel bill was the suite, that is $80. Mr. Spinnato, his room was 30.

Now, prior to that when bills were submitted to the college, my bills were usually higher than the college would allow. The County permitted it but the college would not. And there was some discussion between Gladys and the college about the bills that we submitted on various times.

I told -- this time too, my bill was for $80. Mr. Spinnato, who didn't participate in the program with the college, Mr. Spinnato was there solely for the purpose of the County business.

I told Gladys to send the college Joe's bill to indicate the $30 amount which they were obligated to pay rather than $50 a day more.

That was the last I heard about it until, well, after the investigation in October of -- in June, sometime in June, maybe May of 1975. It was this past year long after I was in the office. It was brought to my attention that my name was on Joe Spinnato's bill.

I asked Gladys about it and she told me she did that. It's the $30 instead of $80, that's what was charged to the college.

Q Did you see anything wrong with that?

A Yes, it's wrong but I didn't know anything about it.

Q Did you then receive a check from the college?

A Based on the $30 -- excuse me, based on the $30 I received a check for $361.67.

Q What did you do with the check?

A I cashed it.

Q What did you do with the cash?

A May I just check?

(Pause.)

A I deposited -- I cashed it and put it into the Sam Houston fund.

Q What was your intent in so doing?

A To repay the County for the advance.

Q Who did you intend to pay the expenses of that trip?

A The National College of District Attorneys.

Q Did you see Sam Houston on that trip?

A No, I did not.

Q Mr. Cahn, in reference to these transactions, did you knowingly or willfully make any -- withdrawn.

Did you knowingly or willfully conceal or fail to communicate to the college or to the County any material facts?

A No, I did not.

(Continued next page.)

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Q Did you knowingly or willfully make any false or fraudulent statement here to the County or College?

A No, I did not.

Q I show you Government's Exhibits 36 and 36A (handing) and ask you what those documents reflect in the way of date and destinations and purpose?

A It indicates a trip to Houston on October 25, 1973, in which I was examined by Mr. Spinnato in reference to the vice squad cases and Sam Houston.

Q 36-H?

A 36-H indicates, again, a trip on behalf of the National College of District Attorneys to attend a curriculum meeting. Again,to set up the course which would be taught the following year at the college.

Q Did you draw an advance from the County?

A Yes, I did.

Q Did you thereafter submit a claim to the County?

A I submitted a claim to the Controller to replenish the prosecution funds.

Q Was that accomplished?

A Yes.

Q To your knowledge would the County have paid the expenses of the trip on behalf of the college?

A No, it would not.

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Q Did you stay at a hotel during this time?

A Yes, I did.

Q How was that bill paid?

A It appears to be paid in cash.

Q Did you submit a bill to the college?

A Yes, I did.

Q What form did that bill take?

A A letter, and a claim form.

Q Does the claim form contain certification?

A "I hereby certify the above included exhibit, attachements, etc. is true and correct."

Q Is there anything in that certification regarding dual compensation?

A I don't see anything.

Q Did you read the claim form before you signed it?

A No.

Q Same pattern --

A Did not read the claim form nor the letter; same pattern yes.

Q Who did you intend to pay the expense of that trip?

A The National College of District Attorneys.

Q Did you thereafter receive a check from the National College?

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A Yes, I did.

Q In what amount?

A Two Hundred and Sixty Two Dollars and Seven Cents.

Q What did you do with the check?

A I placed it in the envelope marked "Sam Houston"

Q With what intent?

A To pay the county for the advance of the trip.

Q Mr. Cahn, with respect to these transactions, did you knowingly or willfully conceal or fail to communicate to the college or to the county any material facts?

A No, I did not.

Q Did you knowingly or willfully make any false or fraudulent statement to the county or to the college?

A No, I did not.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him any money?

A No.

Q I show you Government's Exhibits 37 and 37A. in evidence (handing) and ask you what these documents reflect in the way of date and destinations and purpose?

A Again, it's a trip, it indicates a trip to Houston and San Antonio on November 23, in which I was

examined by Mr. Spinnato in reference to the informant, Sam Houston, and 37A indicates a trip on behalf of the National College of District Attorneys, for both Mr. Spinnato and myself. We both participated this time in a seminar sponsored by the college in San Antonio.

Q Did you draw an advance from the County?

A Yes, I did.

Q Did you thereafter make a claim on the County?

A I filed a claim to replenish the prosecution fund.

Q Was that accomplished?

A Yes, it was.

Q To your knowledge would the County have paid the expenses of the trip for the College?

A They would not have paid the expenses for either Mr. Spinnato or myself.

Q Who did you intend to pay the expenses of the trip?

A For both Mr. Spinnato and myself, the college.

Q How was your hotel bill paid at that time?

A My hotel bill in Houston was - - appears to have been paid in cash for both Mr. Spinnato and myself and I don't see any - - The hotel bill in San Antonio was on the basis of a per diem, hotel and lodging - - hotel and meals,

twentyfive Dollars and that was for both Mr. Spinnato and myself.

Q Did you submit a bill to the College?

A Yes, I submitted a bill for Mr. Spinnato and myself for the round trip air couch fare and one night, twenty-five dollars for Mr. Spinnato, one night, meals and lodging twentyfive dollars for myself.

Q Did you thereafter receive payment of the bill?

A Yes.

Q What did you do - - How much did you receive?

A I received a check for Three hundred and fifty-four dollars and Twentyseven Cents for me and I received a check in the mail, Three hundred and fifty-four dollars and Twentyseven Cents for Mr. Spinnato.

Q How did you deploy these funds?

A The checks were cashed, one hundred dollars is designated as consultants fee, which I kept out of my check. A hundred dollars designated on Mr. Spinnato's check, gave him a hundred dollars and twice, and Two hundred and fifty-four - - Two hundred and fifty-four dollars and Twenty-seven cents twice was placed into the Sam Houston envelope.

Q That amounts to five hundred and eight dollars and fifty-four cents?

A Yes, it does.

Q What was your intent in placing the money in the Sam Houston envelope?

A To repay the County for the advance.

Q Who did you intend to pay the expenses of that trip?

A The National College of District Attorneys.

Q Did you see Sam Houston on that trip?

A Yes, saw Sam Houston in Houston.

Q Did you give him any money?

A Seven hundred and fifty dollars.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q With respect to these transactions, Mr. Cahn, did you knowingly or willfully make any - - I withdraw that.

Did you knowingly or willfully conceal or fail to communicate either to the County or to the College any material fact?

A No, I did not.

Q Did you knowingly or willfully make any fraudulent statement to the college or to the County?

A No, I did not.

Q I show you now Government Exhibits 38 and 38A in evidence and ask you (handing to the witness) to state what those documents reflect in the way of date, and destination

and purpose.

A Yes, it indicates a trip to Atlanta, Georgia.. December 9th, in which I was examined - -

Q December 9th? What year?

A 1973. Excuse me, in reference to informant Sam Houston and it also - - in which I was examined by Mr. Spinnato - - and it also indicate thirty-eight - A , indicates a trip to Atlanta on behalf of the National College of District Attorneys for both Mr. Spinnato and myself to lecture at an organized crime seminar.

If I am not mistaken, two assistant district attorneys within the Rackets Bureau were attending the seminar as well, two assistant district attorneys from Nassau County were attending the seminar.

Q To your knowledge, would the county have paid the expenses of your trip and Mr. Spinnato's trip to the college?

A Not for Mr. Spinnoto nor myself.

Q Did you draw an advance from the college for this- I'm sorry, from the County for this trip?

A. Yes, I did.

Q Did you thereafter submit a claim to the County?

A I submitted a claim to replenish the prosecution fund.

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Q Was that accomplished?

A Yes, it was.

Q You stayed in a hotel and how was the hotel bill paid?

A Less personal expenses. it appears that I paid in cash for both Mr. Spinnato and myself.

Q There appears to be some confusion about one item of expense relating to taxi fares. Would you clear that up for us, please?

A Yes, in my letter to the College, in Government Exhibit 38A, I gave the list of expenses to Gladys, my expenses, and I told her double them, explain expenses for Joseph Spinnato. She listed the same expenses.

Well, the taxi fare from hotel and return was listed twice.

Q As a matter a fact, did you have any intention of listing it twice?

A No.

Q In your claim.

A It was the same, Mr Spinnato came with me. His taxi fare listing was disallowed and properly so.

Q Did you thereafter submit a claim - - I'll withdraw that.

Who did you intend to pay the expenses of the

trip for the college?

A The National College of District Attorneys.

Q Did you thereafter submit a bill or a claim to the college?

A Yes, I did.

Q What form did that take?

A It took the form of a letter.

Q Was there any certification in the letter?

A No.

Q Did you receive a check?

A Yes, I received a check in the amount of Two Hundred and eightysix dollars and Fiftyseven cents and Spinnato received a check for Two hundred Sixtynine dollars and twenty-seven cents.

Q What did you do with the proceeds of those checks?

A Cashed the checks. The check indicates a hundred dollars of that as a consultants fee. I kept the consultants fee.

It also indicated a consultants fee on Mr. Spinnato's bill. I gave him the hundred dollars and a hundred and eightsix point fiftyseven and one hundred and sixtynine point twentyseven was put into the Sam Houston envelope.

Q The difference is accounted for by the disallowance of the taxi fare between those two sums?

A The difference between the amounts?

Q Yes.

A Of the check - -

Q Yours and Mr. Spinnato's?

A Yes.

Q The total is Three hundred Fiftyfive dollars and eightyfour cents.

A That's correct, sir.

Q What did you do with that sum?

A I told you. I put it in the Sam Houston envelope.

Q What was your intent in so doing?

A To repay the County of Nassau for the advance that they gave.

Q Did you see Sam Houston on this trip?

A Yes, I did.

Q Did you give him any money?

A Seven hundred and fifty dollars.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Mr. Cahn, in relation to these transactions, did you knowingly or willfully conceal or fail to communicate with the County or to the College any material fact?

A I did not knowingly or willfully conceal any-

thing, but there was a mistake of the taxi fare.

Q Did you knowingly - -

A Seventeen point thirty. I'm sorry, sir.

Q Very well, did you knowingly or willfully make or cause to be made any false or fraudulent statement to the County or to the College?

A I did not knowingly or willfully do that. Again, I bring to your attention the mistake of the seventeen dollars and thirty cents for the taxi fare.

Q I now show you Government Exhibits 39 and 39A (handing) in evidence and ask you to tell what those documents reflect in the way of date and destinations and purpose.

A Government Exhibit 39 indicates a trip to San Francisco on behalf - - in which I was examined by Mr. Spinnato in reference to Rackets Bureau case 3815 and Sam Houston.

Government Exhibit 39A indicates an organized crime seminar sponsored by the National College of District Attorneys in which both Mr. Spinnato and I participated through lectures.

Q Did you - - I'll withdraw that.

To your knowledge would the county have paid the expenses of your trip on behalf of the College?

A No, they would not have, for neither Mr. Spinnato nor myself.

Q Did you draw an advance from the prosecution fund?

A Yes, I did.

Q Did you thereafter make a claim to the County?

A I submitted a claim to the County to replenish the prosecution fund.

Q Was that accomplish?

A Yes, it was.

Q Did you stay at a hotel in San Francisco?

A Yes, I did.

Q And in Reno?

A I probably went to Reno, but the hotel in Reno--

Q If you went.-

A If we went, were complimentary.

Q So their would be no evidence of payment of the hotel in Reno?

A No.

Q How did you pay the hotel bill in San Francisco?

A By American Express.

Q Did you submit a claim to the College?

A I let the College know of the expenses, I suppose.

Q Do you have anything before you to evidence the submission of a claim?

A Government Exhibit 39A contains a claim form which was not signed by me and I know that nobody in my office typed that form. It was not typed in Minneola and I know that nobody in my office typed that form. It was not typed in Minneola.

Q You are sure of that?

A I'm absolutely positive that this claim form - - nobody in my office - - I could understand typographical errors, but nobody in my office would spell "Nassau" twice. Nobody would call call Joe Spinnato First Assistant District Attorney - - It was not typed in my office.

MR DRUKER: I object to this. I don't see how Mr. Cahn can testify as to what other people might do.

THE COURT: I think I'll let it stand.

A (continuing) It was not typed in my office.

THE COURT: Go on.

A And I did not sign it.

Q Very well.

Nevertheless, the College became aware of the amount of your expenses?

A Well - -

Q Did you receive a check?

A I must have told them my expenses. I don't see

a letter. If there's a letter, fine.

Q You received a check from the College?

A Yes, I did.

Q In what amount?

A The check was in the amount of Five hundred and sixty dollars and twentyseven cents and Mr. Spinnato to receive a check in the amount of Five hundred and sixty dollars and twentyseven cents.

Q These constituted reimbursement as well as honorariums.

A Yes, they included both.

Q How did you deploy those funds?

A I cashed the check, took a hundred dollars for myself. Mr. Spinnato was not in the office that day. He was home sick. I called him, told him the check came in, would he mind if I signed - - endorsed his name. That's my handwriting and he said "no, I wouldn't mind at all, but I'm going to charge you with forgery when it's over". I said "O.K." That's it.

Q Did you have - -

A He got the hundred dollars.

Q You gave him the hundred dollars?

A Yes.

Q Do you wish to amplify that statement with any

documentations?

A There are no records that were kept in the District Attorneys office, which would indicate a man coming in and going home and coming back and going home, no such records.

Q If he - -

A Not of Mr Spinnato's standing and position in the District Attorneys office.

Q If he came in the morning and signed in and then left would there be any evidence of his leaving?

A I don't even know if I required Mr. Spinnato to sign in. There would be - - There could be a hundred records, no sick days. That means nothing.

Q The net result of that receipt by you after the deduction of the two honorariums was Nine hundred and twenty dollars and fiftyfour cents; is that correct?

A Is that four sixty twice?

Q Yes?

A Yes, O.K. , I cashed both those checks and nine hundred and twenty dollars and fiftyfour cents was placed in the Sam Houston envelope.

Q With what intent?

A I intended to repay the county for the advance.

Q Who did you intend to pay the expenses of that

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trip?

A The National College of District Attorneys.

Q Did you see Sam Houston on the trip?

A Yes, I did, in San Francisco.

Q And did you - -

A Or - -

Q - - and did you give him any money?

A Yes, five hundred dollars.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q Relative to these transactions, Mr. Cahn, did you knowingly or willfully conceal or fail to communicate to the County or to the College any material fact?

A No, I did not.

Q Did you knowingly or willfully make or cause to be made any false or fraudulent statement, either to the College or to the County?

A No, I did not.

MR. BOGIN: If your Honor pleases?

THE COURT: We'll take a five minute recess. The Jury is to go to the Jury Room, please don't talk about the case.

(The Judge leaves the Court Room)

R E C E S S

(After recess.)

MR. CAHN: Your Honor, we have one character witness.

THE COURT: All right. Bring in the jury.

(The jury is in the jury box.)

THE COURT: You may all be seated. We are going to interrupt Mr. Cahn's testimony again for a witness he wants to call.

W I L L I A M R A N D A L L , a witness called herein, was sworn by the Clerk of the Court, and testified as follows:

THE COURT: You may be seated, Mr. Randall.

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Mr. Randall, what is your present occupation?

A I am County Attorney for the County of Ramsey which is better recognized as St. Paul, Minnesota.

Q Is that what is commonly known in this area as a District Attorney?

A The title County Attorney there is equivalent to State Attorney or District Attorney and in some instances prosecuting attorney in other parts of the country.

Q Would you tell us a little bit about your background?

A I was elected to the office in 1958 and have

since been reelected. It's a four-year term.

I became involved with the organization of the National District Attorneys Association shortly after my election and have attended most, if not all, of the National meetings and conferences.

I have taken part as committee chairman or in some other organizational capacity and was elected to the office of President of the National District Attorneys Association and served I believe in the year 1971 through the year 1972.

Since that time I have continued my participation and interest in the National District Attorneys Association.

I am now a member of the executive committee. I have, through that association, been interested in an organization that is headquartered at Houston, Texas known as the College -- National College for District Attorneys, and have been a member of the Board of Regents for a number of years.

Q Mr. Randall, do you know the defendant William Cahn, do you not?

A Yes, I met Mr. Cahn through the National District Attorneys Association and have become well acquainted with him in conjunction with our mutual interest

in the National District Attorneys' Association, I would say perhaps for some twelve to fourteen years.

Q In that period of time, have you had occasion to discuss Mr. Cahn's reputation for truthfulness, with members of the community with which you were involved?

A In conjunction with the National District Attorneys' affairs, I am quite aware of the opinion of others in that association being made up of county attorneys or district attorneys or state attorneys. I am quite aware of their feelings towards his truthfulness.

Q What is Mr. Cahn's reputation for truthfulness?

A Very high.

Q Mr. Randall, you stated that you have been extremely active in the National District Attorneys Association. When for the first time did you become familiar with Article 12 of the bylaws?

A After I was president, Mr. Cahn was president, after Mr. Cahn was president Mr. Vance, and after Mr. Vance Mr. O'Hara. Perhaps three years after I was president which brings it into 1974 or 1975.

During the presidency of Mr. O'Hara I was asked to head a committee to amend the bylaws and as chairman of that committee to amend the bylaws I came across Article 12.

Q You testified during the period generally from 1970 to 1974, you attended a great number of meetings of the Board of the National District Attorneys Association, is that correct?

A Yes, we have a general membership meeting in the wintertime and a general membership meeting in the summertime. The association is made up of members, many of whom -- in fact a very high percentage of whom serve the state or county and also have private practices, so in order to accommodate their ability to attend meetings we have two meetings a year. Some of those meetings being attended by part of the organization and part by others in the organization.

My own practice is to attend both meetings. So I have attended those.

We also have a board meeting in conjunction with both of those meetings at two other times during the year, so I have four meetings a year -- I have been involved with the board and the two meetings of general membership.

Q At any of the meetings, do you recall Article or Rule 12 being discussed?

A Yes. At the time the bylaws were being changed -- I indicated I was asked to be chairman -- the purpose of the change contemplated on the bylaws was to

establish or constitute an executive committee that would be meeting perhaps once a month. And at the time that that was presented to the board a specific resolution was adopted exempting members of the executive committee from the intent and purport of Article 12 so that they would be reimbursed by the organization for executive meetings.

Q That was the first time it was discussed?

A Yes.

Q That you said was the latter part of '74 or 1975?

A The dates themselves are not as specific as the president was J. O'Hara. I think if I used -- I know I was president in '70, '71; Mr. Cahn, '71-'72; Vance '72-'73; O'Hara would be '73-'74. It would have been in May of '74 I believe at a board meeting, if I am correct in that sequence.

I remember the people involved rather than the date at which it occurred.

MR. NEIL CAHN: Excuse me one moment.

(Pause.)

Q Mr. Randall, you also testified that you are active in the National College of District Attorneys?

A Yes, I was involved with the thought fof trying to get such a college established and became later a

member of the board of regents which is the board governing the functioning of the college.

Q Did there come a time when the issue of whether the various members of the board or guests would be required to submit vouchers for their expenses when they made their claims?

A Yes, it was discussed at one ofour meetings.

Q Would you tell us about that discussion?

A It is my recollection that the thrust of the discussion was led by someone who felt members of the board of regents should be reimbursed for travel by air on a coach rate and they should file with their reimbursement request receipts or stubs or indicatinos of expenditures for such things as airfare or limousine fare from the airport to the college which was -- it happened that that airport to the place where we met was some 20 or 25 miles away. It was not a very convenient airport to the meeting place.

It was my feeling, and I expressed it, that our board of regents was made up of district attorneys from large metropolitan areas, we had private lawyers, one of the members of our board was Leon Jaworsky, and we had other judges on that board of regents, so it was my contention and I voiced the thought that with the board made up of calibre such as were there it was not appropriate that they be requested to

travel to the meetings for the benefit of the college at a manner of travel which was perhaps less than normal travel they would undertake on their own behalf or on behalf of their clients.

The board accepted my concern and did not act in response to the original question of requiring voucher tabs for taxi or limousine service or whether they restrict reimbursement for coach travel on the airplane.

Q What your objection at the instigation of the defendant?

A No sir. I don't recall that Mr. Cahn expressed himself at that time at all. I simply was speaking up for my own point of view at the time and all I can recall is my point of view prevailed.

I don't recall who it was that was suggesting the voucher system. My best recollection is it was perhaps the dean of the college.

MR. NEIL CAHN: No further questions.

CROSS-EXAMINATION

"BY MR. DRUKER:

Q Mr. Randall, you traveled with Mr. Cahn outside the continental United States on occasion?

A I don't recall that I ever traveled with him.

Q On trips that he was also on.

A I have certainly met him at many meetings.

Q Did you go to Honolulu, Hawaii in March of 1971 on a National District Attorney Association convention?

A I believe I was the president at the time and I was there, yes sir.

Q Did you get -- did you receive a complimentary hotel room for your stay?

A As the president of the association, my room was taken care of by the association. Whether it was complimentary by the hotel or the association paid for it, I really don't know.

Q You know you didn't pay?

A I did not pay for it.

Q At that time, you were County Counsel?

A Yes.

Q Of what county?

A Ramsey.

Q Did you make or file any claim to Ramsey County for the hotel room you never paid for?

A There was no claim filed for the trip to Honolulu. On that trip to Honolulu?

Q That is my question.

A Not that trip.

Q You didn't pay for the trip?

A No.

Q You didn't bill your county for it?

A No sir.

Q Did Mr. Cahn tell you at any time that he was receiving a free room but he billed his county for it as though he paid for it?

A I don't recall whether I was in Mr. Cahn's room in Honolulu. I would say my best judgment was that he was the president-elect --

Q Would you answer my question?

A Probably he had a free room, but I don't know.

Q Did you hear at any time that Mr. Cahn turned around and submitted someone else's invoice to his home county in order to get paid for the hotel room in Honolulu?

A No.

Q Did that come up in any discussion about Mr. Cahn's reputation for truthfulness?

A No.

Q Did you personally consider it to be demeaning to have to submit documentary evidence in support of your claim for reimbursement to the National College?

A I don't think it was demeaning. In my opinion as chairman it was an inconvenience which I felt was unnecessary and it was a matter of my own experience -- I have traveled a good deal at the request of others and I find

I simply do not keep a document as to where I go and how I got there.

After I am back, I find it's not a question of demeanor, it's a question of I will travel too much and too often and I simply don't personally find it feasible to ask the cab driver to give me a voucher showing that I paid for a trip from an airport to a hotel or to a central meeting place.

(Continued next page.)

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Q How about hotel and air fares, do you think it is demeaning to submit a copy of your hotel bill in support of your claim to have an organization pay for you?

A No, that is not demeaning at all.

Q Do you consider it demeaning to have to submit a copy of your airline ticket in order to have the National College or any other organization pay for your airplane?

A No.

Q You are just referring to petty things like tips and cab fares?

A Yes.

Q Would you agree it was proper and indeed fair you submit some sort of documentation on major items such as air fares and hotels?

A It is my practice to do it although I find sometimes --

Q It may be a pain in the neck sometimes?

A No, I found sometimes that when I have been reimbursed the Government audit didn't find a copy of the travel -- the ticket, and reimbursement was disallowed because apparently somewhere I didn't -- either I didn't mail it or didn't get properly recorded.

It doesn't always happen that I do what I am expected to do, which is send in the ticket.

Q On the meetings, did Mr. Cahn say anything to the effect that this would impose a difficulty on him because he was submitting the documents to Nassau County , New York for repayment?

A No.

Q Did you have any inkling at that time that Mr. Cahn was having Nassau County pay for his air fare and hotel bills?

A I had no inkling or interest. I had no awareness of the situation at all. As far as Mr. Cahn as a member of the Board of Regents it was not a matter that related to Mr. Cahn, it was a matter that related to the policies of the Board of Regents without regard to any particular individual or member.

Q Were you familiar with the fiscal and financial policies of the college?

A As a member of the Board I attempt to understand the budget that is proposed and I attempt to review the expenditures and audits that are made and reported back to our Board, yes.

Q Let me ask you, if Mr. Cahn, or indeed any member, got up at a Regents meeting and said: Look, fellows, I am submitting claims to the college for my air fare and hotel room for this trip and I just want you to know Nassau

County is also going to pay for my air fare and hotel room -- and based on your understanding of the fiscal and financial policies, would those policies allow or prohibit the College from paying these expenses knowing that his home county was paying?

A I simply never heard the question raised and I certainly don't know if it came up in the Board meeting.

Q Didn't the College try to conserve money as much as they could rather than --

A I think every organization that I am a part of attempts to get the job done with the most reasonable expenditure of funds it can.

Q Would you say it is a reasonable expense of the College funds to pay for someone's air fare if you know his home county was paying for it?

A No, I wouldn't consider that reasonable if I knew it.

Q The same thing with regard to the hotel bill?

A If I was aware I would certainly raise a question, yes.

Q Now, was the NDAA policies similar, to try to cut expenses and conserve money as much as possible?

A Well, the NDAA's growth since I have been part of it has been such that we just never had any feeling that we

had any money above and beyond the need of just keeping the organization going.

And the most successful things that we had going were the willingness of district attorneys across the country to participate in programs which in themselves created some financial return for the organization such as the National Drug Conference which was one of the first of the national conferences that produced revenue greater than the cost of the conference, therefore produced something to the treasury of it.

Q In short, the NDAA hasn't unlimited resources?

A No.

Q You don't want to throw money around willy nilly?

A No.

Q Did Mr. Cahn ever raise a question at a Board of Directors meeting such as whether or not he could get paid by the NDAA out of its funds or LEAA grant for expenses which were being paid for by his home county? Did he ever raise that question?

A I never heard the matter discussed at a meeting.

Q Based on your understanding of the NDAA policies, fiscal and financial policies, would such payments to Mr. Cahn or any other officer be allowed or prohibited by the policies?

MR. CAHN: Objection.

THE COURT: No, he has been a member of the

Board and I will let him answer.

MR. CAHN: The question was asked of Mr. Healy and wasn't permitted to be answered.

MR. DRUKER: I don't think that is accurate, your Honor. Mr. Healy wasn't allowed to testify to what he personally --

THE COURT: I will overrule the objection.

Q Based upon your knowledge and understanding of the NDAA fiscal and financial policies, Mr. Randall, would these policies have allowed or prohibited the payment of air fare and hotel expenses to an officer where the same expenses had been or were paid for by his own county?

A I think the answer to the question goes right back to the same bylaw that you referred to earlier, Section 12, which stated the policies. The question was based on my own knowledge. The first time I ran across Article 12 was, as I indicated, in changing the bylaws.

Q I think you testified that part of Article 12 may have been there and resolutions may have been proposed or changes were proposed, something to that effect?

A Yes, we put through a specific resolution that would exempt members of the executive committee from the directive or the concept of Article 12 while it is in the executive committee meetings.

Q Would that relate to the submission of prior written requests for travel and having written approval?

A The thrust of it was when you were going to be at a meeting you were to be reimbursed by the National District Attorney --

Q What about if your home county is reimbursing you, is it the thrust of the regulation later for the NDAA to reimburse you?

A That was not incorporated or discussed at all.

Q It is your understanding that that was intended?

MR. CAHN: Objection.

THE COURT: I will sustain that.

Q Now, I will read from the first paragraph of Article 12, Mr. Randall: It shall be the policy of the corporation to minimize expenditures out of its general fund for travel or other expenses incurred by officers or members relating to the corporation's business."

Now, to your knowledge, was that, in 1970, 1, 2 3, and 4, was that still the policy of the NDAA?

MR. CAHN: Objection. The witness already testified he didn't know of Article 12 until at least May of 1974.

THE COURT: I will let him answer whether this language was changed in the amendment.

A May I answer that, your Honor?

Q My question --

A The language was not changed.

Q Mr. Randall, forgetting about Article 12, was this your understanding of what the general policies were of the NDAA?

MR. CAHN: Objection.

Q Did the NDAA start to minimize expenses --

MR. CAHN: Objection. It's already been answered.

THE COURT: I think it has been covered adequately.

Q Now, "No reimbursement for any expense shall be made to any officer or member where such officer or member can or may secure similar reimbursement from his governmental jurisdiction or any other similar source."

Now, whether to Article 12 or otherwise, was it your understanding this was the financial and fiscal policies of the NDAA?

MR. CAHN: Objection.

THE COURT: No, answer generally.

A That provision which you have just read is the specific one which was covered by the resolution that I introduced at the May Board meeting in early '74 or '75, to

exempt members of the executive committee.

Q That is if their home jurisdiction was willing to pay, right?

A It took away the affirmative responsibility to ask the home jurisdiction to pay in the first place.

In other words, that was why the resolution was introduced, so that there would be no obligation for the members of the executive committee to seek reimbursement from their home jurisdiction but would be reimbursed by the National District Attorneys Association.

Q Did this authorize the payment if the home jurisdiction was actually paying the expense?

MR. CAHN: Objection.

THE COURT: I will overrule the objection.

A It had nothing to do with that.

(Continued on next page)

CROSS-EXAMINATION

BY MR. DRUKER: (Cont.)

Q One final thing, Mr. Randall, had this question come up at any time, at a committee meeting or executive meeting would you have referred to Article 12 for a resolution?

MR. CAHN: Objection.

THE COURT: Overruled.

A I didn't know of the article.

MR. DRUKER: No further questions.

THE COURT: Any redirect?

MR. NEIL CAHN:No.

THE COURT: Thank you, Mr. Randall, you're excused.

THE WITNESS: Thank you, your Honor, for the privilege of interrupting your other witness.

THE COURT: Thank you. Some day I'll come out to St. Paul.

THE WITNESS: Come in the summer, your Honor.

MR. DRUKER: Might I ask a couple of more questions?

THE COURT: Mr. Randall, come back.

CROSS-EXAMINATION

BY MR. DRUKER: (Cont.)

Q Mr. Randall, with regard to payment of first, air fare expenses, do you know whether or not it was the policy of the NDAA to pay the actual air fare expense incurred or would they pay more than that actually incurred?

A I can only say in my own travels I've submitted a statement to them and I've been reimbursed on the strength of the statement I've sent in.

Q Were you ever aware whether or not William Cahn was submitting claims for air fares which were in excess of the air fare expense that he actually incurred?

A No, sir.

Q The same question with regard to hotel bills, were you aware of whether or not Mr. Cahn was submitting claims for hotel expenses in excess of what his hotel bills actually were?

A No, sir.

MR. DRUKER: No further questions.

THE COURT: Thank you.

THE WITNESS: Thank you, Judge.

(Witness excused.)

W I L L I A M C A H N, having been previously duly sworn by the Clerk of the Court, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. BOGIN: (Cont.)

Q Mr. Cahn, I show Government's Exhibit 1 and 1-A and 2 and 2-A which refers, you may have observed, to Count 40 in the indictment.

(Handing to witness.)

A Yes.

Q This, you remember, -- will you tell us in summary what dates were involved in that trip -- I'll withdraw that.

Does that reflect a single trip, do both these exhibits reflect a single trip?

A 1-A and 2-A and 1 and 2 reflect trips from New York to Chicago to San Francisco and return on behalf of the County of Nassau wherein I was accompanied to Chicago by Mr. Spinnato and in San Francisco we met Mr. Spinnato and I met Sgt. Lang.

Q These trips took place -- do you recall -- do you have the dates?

A November 10th through the 13th of 1974.

Q You've already testified early in your

testimony to the matters covered by this trip and I ask you now whether you received an advance from the County of Nassau for the trip?

MR. DRUKER: I'm going to object. This was all testified to on Monday afternoon at great length with regard to 1, 1-A and 2 and 2-A.

THE COURT: I know there's something about the same trip in Count 40.

Can you separate out --

MR. BOGIN: I'm trying to do that in summary, your Honor.

I'll keep it brief.

THE COURT: Go ahead.

A For the trip to Chicago and San Francisco I did receive an advance.

Q Did you obtain reimbursement through the Prosecution Fund?

A I filed a claim with the controller to replenish the Prosecution Fund.

Q Did you thereafter submit a bill to the college?

A I submitted a claim and Mr. Spinnato submitted a claim to the college for the lectures we gave at the Organized Crime Seminar in Chicago.

MR. DRUKER: Same objection, these are the same exact questions and answers we listened to Monday afternoon.

THE COURT: I think Count 40 deals with the same trip as Count 1 and 1-A but 1 covers what are said to be false statements and the other covers what is the scheme to defraud.

MR. BOGIN: I'll ask one or two more questions in substance.

THE COURT: All right.

MR. BOGIN: And then complete my inquiry.

BY MR. BOGIN:

Q Did you return these funds to the County after you were reimbursed by the college?

A With the exception of $135 which I kept and $135 which Mr. Spinnato kept, 200 --

Q I'll give you the figure, Mr. Cahn, which was $262.27.

THE COURT: $142.73 twice --

THE WITNESS: Returned to the County.

A $285.46 was returned in cash to the County.

Q Did you see Sam Houston on this trip?

A Yes, sir, I did.

THE COURT: You covered this on Monday.

Q What was the reason, Mr. Cahn, for returning the funds to the County this time rather than depositing them to the SH Fund?

A This time there was an investigation by the United States Attorney's Office and the controller. I did submit the claim to the County because -- to the college for that Chicago trip because it was my intention to have the college pay for that part of the trip and I returned the cash to the County pending the outcome of the investigation which I thought would be very short and then would submit my claim at that time because I had already spoken to Sam Houston and knew he wasn't going to make himself known.

It was just to await the outcome --

MR. DRUKER: I think that's already been testified to.

THE WITNESS: If I may finish?

THE COURT: Finish.

THE WITNESS: Thank you.

A (Continuing) It was just to await the outcome of the investigations which I knew were taking place at that time but I did submit the claims to the college and to get the funds and return the funds to the County in cash.

546 Cahn - direct

Q Mr. Cahn, in reference to the allegations in Count 40 of the indictment, did you knowingly or willfully conceal or in any way fail to communicate any material fact to the County or the college?

A No, I did not.

Q Did you knowingly or willfully make any false or fraudulent statement or cause to be made any false or fraudulent statement to the college or the County?

A No, I did not.

Q I now show Government's Exhibit 41-A and 41 (handing) and ask you what those documents reflect?

A It reflects a trip to Chicago and Houston in which I was accompanied by Mr. Spinnato and Det. Sgt. Lang on May 30th of 1973 in reference to Rackets Bureau Case 44-6; and 41-A indicates a trip to Houston on behalf of the National College of District Attorneys for a lecture at what the call the Executive Corps.

Q Do you krow if the County of Nassau would have paid the expenses of your trip on behalf of the college?

A No, they would not.

Q Did you draw an advance from the Prosecution Fund?

A Yes, I did.

Q Did you thereafter billthe County?

A I filed a claim with the County to replenish the Prosecution Fund.

Q Was that accomplished?

A Yes.

Q Did you stay at a hotel in Chicago and Houston? Especially in Houston?

A I don't think I stayed at a hotel in Chicago.

Q How about Houston?

A In Houston, yes.

Q How was that hotel bill paid?

A It appears by American Express.

Q Did you submit a claim to the college?

A Yes, I did, for my participation. Mr. Spinnato didn't participate in this.

Q How much did you receive as a consequence of that claim?

A I received two checks, one for $263.27 and one for $100, the $100 representing my honorarium.

Q How did you deploy the funds?

A I cashed both checks. I kept the hundred dollar honorarium and I put the $263.27 into the enveloped marked Sam Houston.

Q Who did you intend to pay the expenses of this trip?

548 Cahn - direct

A The National College of District Attorneys.

Q Did you see Sam Houston?

A Yes, I did.

Q Did you give him any money?

A $750.

I saw him with Mr. Spinnato.

Q Who did you intend to pay Sam Houston?

A The County of Nassau.

Q In respect to these transactions, Mr. Cahn -- I'll withdraw that.

What form did your claim take to the college?

A Just a letter.

Q No certification?

A No.

Q In respect to these transactions, Mr. Cahn, did you conceal, knowingly or willfully or fail to communicate any material fact to the College or to the County?

A No, I did not.

Q Did you knowingly or willfully make any false or fraudulent statement or cause to be made any to the County or to the College?

A No, I did not.

Q Mr. Cahn I show Government's Exhibit 5 and 6 A

549 Cahn - direct

in evidence and ask you what those documents reflect.

(Handing)

A They reflect the trip, Government Exhibit 6 reflects a trip on September 23 to Los Angeles in which I was accompanied by Assistant District Attorney Joseph Spinnato and Det. Sgt. Lang in reference to the Vice Squad Case and Rackets Bureau Case 22-28 and also 6-A indicates a trip to Los Angeles on behalf of the National Center for Prosecution Management.

THE COURT: All this was the subject of testimony yesterday.

MR. DRUKER: I have no objection to Mr. Neil Cahn entering any figures testified to yesterday but I ask we not have to listen to the same questions and answers again.

MR. BOGIN: It's not my intention to duplicate, your Honor. I merely want to ask the witness if these are not the same transactions testified to under Count 6 of the indictment.

A Yes, they were.

Q Relative to that, Mr. Cahn -- I'll withdraw that.

Did you submit -- withdrawn.

In reference to the transactions reflected

in those documents as they relate to the allegations in Count 42 of the indictment, to your knowledge -- I'll withdraw "to your knowledge", did you knowingly or willfully conceal or fail to communicate to the National Center or the County of Nassau any material fact?

A No, I did not, sir.

Q Did you knowingly or willfully make or cause to be made any false or fraudulent statement to the County of Nassau or to the National Center?

A No, I did not, sir.

Q Mr. Cahn, I show you Governemnt's Exhibit 44 and 44-A (handing) in evidence and ask you what those documents reflect.

A Represents a trip, Government Exhibit 44 represents a trip on June 16, 1972 in which I was accompanied by Assistant District Attorney Robert Roberto to Acapulco and Los Angeles in reference to the Vice Squad Case to which I previously referred and Government's Exhibit 44-A indicates a trip on behalf of the Task Force to Los Angeles for participation as a member of the Advisory Board.

Q When did these trips take place, Mr. Cahn?

A June 16, 1972 -- thereabouts.

Q In that connection did you draw an advance

fromthe County?

A Yes,I did.

Q Did you thereafter submit a bill to the County?

A I submitted a claim tothe County to replenish the Prosecution Fund.

Q Was that accomplished?

A Yes.

Q To your knowledge would the County have paid the expenses of your trip on behalf of the Task Force?

A Not on behalf of the Task Force,no.

Q Did you thereafter -- I'll withdraw that.

How did you pay your hotel bill in Los Angeles?

A In Los Angeles?

Q Yes.

A It appears by cash.

Q Did you thereafter submit a claimto the Task Force?

A Yes, I did.

Q What was the amount of that claim?

A Fare from Acapulco to Los Angeles and Los Angeles to New York, 284.50 and they handed me a $62 check

552 Cahn - direct

thereafter --

Q What was the form of that claim, Mr. Cahn?

A Just a letter.

Q No certification?

A No.

Q What did you do with the funds after you received them?

A I cashed the check for 284.50 and put it into the Sam Houston envelope.

Q With what intent?

A To repay the County of Nassau for the advance.

Q Who did you intend to pay the expenses of the trip onbehalf of the Task Force?

A The Task Force.

Q Did you see Sam Houston on this trip?

A When?

THE COURT: June 16, '72.

A No, I did not.

Q With respect to these transactions, Mr. Cahn, did you knowingly or willfully conceal or fail to communicate to the TAsk Force or to the County any material fact?

A No, I did not.

Q Did you knowingly or willfully make or cause

to be made any false or fraudulent statement either to the County or to the Task Force?

A No, I did not.

Q Mr. Cahn, I draw your attention to Count 43, in the indictment for which you have no exhibits before you and ask you whether you recall testifying to those facts at the time when you testified in conjunction with Count 3?

A That's the Mexico trip.

Q That's correct.

A Yes, I recall.

Q In that connection you recall testifying that you repaid the County the sum of, I believe, was a hundred dollars -- I'll withdraw the amount.

A No.

Q You recall having sent some money to the County?

A I testified that I told Gladys to send a check back to the County.

Q Will you tell us what means of transportation or transfer of funds you used at that time?

A One of the men in the office.

Q Who was he?

A The man that testified -- Hy Goldstein (sic).

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Q Have you attempted to locate Mr. Goldstein to confirm that information?

A For about five or six months now.

Q What efforts have you made to try to find him?

A Contacted every member of his family. They haven't heard from him.

Q Is there anything you wish to add on that score?

A Just can't find him.

Q Mr. Cahn, I show Government's Exhibits 46 and 46-A (handing) in evidence.

I ask you to tell us what that set of documents reflects by way of date, destination and purpose.

A Yes, it represents a trip on behalf of the County to Las Vegas in which I was accompanied by Mr. Spinnato in reference to SamHouston --

Q What was the date?

A April 21, 1974, and also Government Exhibit 46-A in evidence reflects a trip on behalf of the National District Attorneys Association to Las Vegas as a speaker at the Police Prosecutor Conference, general relationship between police departments and district attorneys offices.

555 Cahn - direct

Q To your knowledge would the County have paid the expenses of your trip to the National District Attorneys Association?

A No. They would not have.

Q Did you submit a claim to the County?

A Submitted a claim to the County to replenish the Prosecution Fund from which I drew an advance.

Q Was that accomplished?

A Yes.

Q Did you stay at a hotel?

A Yes, at the Dunes.

Q In reference to that --

MR. DRUKER: Excuse me, Ijust noticed on Count 44 the notation $284.50 under the column "Into S. H. Fund."

The testimony was that money was paid to the Count and the evidence was the money was paid to the Count so that that is actually --

THE COURT: No, the testimony was that it was paid, put in the envelope. Count 43 is what's said to have been paid to the County.

MR. DRUKER: I'm sorry, my mistake.

THE COURT: They were testified to in opposite order.

MR. BOGIN: Thank you, your Honor.

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Q Did you submit a claim to the National District Attorneys Association?

A Yes, I did.

Q Who did you intend to pay the expenses of your trip for the NDAA?

A National District Attorneys Association.

Q How much was that claim?

A $729.00.

Q Did that contain a specific sum as an allowance for hotel expenses?

A Yes, it did, $100.

Q How did that come about?

A Prior to the trip I called Pat Healey and told him that I expected -- first I asked him if it was oaky with him as it usually was to stay at a different hotel other than the one in which the seminar was being held.

He said, "Of course."

I said, "I believe Bill Raggio (phonetic) is going to get me andMr. Spinnato and Mr. Misel (phonetic), a friend who is taking a vacation at that time was coming along," I said, "I believe the rooms may be comp., would it be okay -- is it proper," -- not in those words -- "can I submit the bill for the hotel?"

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He said, "You're entitled to that,"

I said, "Would a hundred dollars for the three nights be okay?"

He said, "Of course, we're saying money."

Q The claim to the NDAA contained --

A A hotel bill, four nights, a hundred dollars.

Q Did you thereafter receive a check from the NDAA?

A Yes, I did.

Q What was the amount?

A $729.00.

Q Did that include the hundred dollars you have just discussed?

A Yes, it did.

Q What did you do with those funds?

A Cashed them and placed them in the same Houston envelope.

Q You didn't retain the hundred dollars for us, did you?

A No, no, all the entire $721 -- Mr. Bogin --

THE COURT: You said no.

A (Continuing) The answer is no. All of it went into --

Q What intent did you deposit the funds in the S. H. envelope?

A To repay the County for the advance on the trip.

Q Did you see Sam Houston on that trip?

A I believe I did.

Q Did you say you had?

A I believe I did. Let me just check. Yes.

Q Did you give him any money?

A Yes, $750.

Q Who did you intend should pay Sam Houston?

A The County of Nassau, $750.

Q There were times, Mr. Cahn -- I'll withdraw that last question.

Mr. Cahn, there were times when you had no specific appointment to see Sam Houston but in one way or another you did find him.

Can you explain to the Court and jury how that came about?

A Yes, he would call me at a particular hotel -- one specific, that remains in my mind because it was the last time -- not the last time -- well, the last time I think it happened was in Miami. He called, told me he had called Gladys and asked where I was and she told him and he contacted me there.

This happened a few times.

Q So that it wasn't always that you made a personal arrangement to see him and then saw him?

A No, there were times when he would call the office. I was away and Gladys was instructed if he called to tell him where I was.

Q Mr. Cahn, that list headed, "S.H.," that is payment to S.H., does that list aggregate $19,750?

A No, it does not.

Q How much do you think -- can you say from your own records how much does that aggregate?

A That list, I didn't add it up.

Q If I were to tell you it adds up to 13,000 would that be approximately correct?

MR. NEIL CAHN: No.

MR. DRUKER: How many people do we have testifying here?

THE COURT: It's quite possible to do it.

THE WITNESS: Can't we add it up, Mr. Bogin, rather than ask?

MR. NEIL CAHN: I believe it's $14,500.

THE COURT: Added up to 14,500.

MR. NEIL CAHN: I believe so.

BY MR. BOGIN:

Q Will you say that list adds up to $14,500?

A If it adds up to $14,500, Mr. Bogin, it adds up to $14,500.

Q Did you make additional payments to Sam Houston other than those you testified to in your testimony?

A Yes, I did.

Q Do you have a record before you of what additional payments you made?

A If you will hand me the exhibit which contains my affidavits, I can --

(Documents are handed to the witness by Mr. Bogin.)

THE COURT: Let counsel come to side bar a minute while Mr. Cahn is adding that up.

(Discussion at side bar.)

THE COURT: Mr. Nearey, in the Marshal's office says there's no payment to Fiore in July or August or September of '72. I asked him to look to January and June.

Do you have any other dates?

MR. DRUKER: The trials were United States v. Cioffi and Ciuzio before Judge Dooling.

THE COURT: Check it.

MR. DRUKER: We will check it.

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(Open Court.)

DIRECT EXAMINATION

BY MR. BOGIN: (Continued)

Q Mr. Cahn --

A Just a minute.

(continued next page.)

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THE WITNESS: Mr. Bogin, the chart reflects 19 trips which total $14,500.

There were 26 trips that I took on which I paid Sam Houston money.

And the difference, the seven trips, would total $5,250, during the course of 1970 through 1974.

Q You drew this information from the records you kept, now in evidence?

A Defendant's exhibit A in evidence.

Q Mr. Cahn, is there a total available to you as to theamount of money you deposited in the SH Fund?

A You would have to add that up.

THE COURT: Are you adding that up, Mr. Neil Cahn?

MR. NEIL CAHN: I have a figure, I think it is accurate.

THECOURT: It can be checked during the noon hour.

MR. NEIL CAHN: $17,528.89, that these five columns total.

THE WITNESS: Was that $17,528.89?

NEIL CAHN: Yes.

Q Can you state for the Court and jury whether any additional sums were contributed or deposited in the SH

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Fund, and if so, how much?

A Yes, there were.

Q You now have referenceto your history of case sheet?

A No, that wouldn't indicate that.

A trip in February of 1970, I received $280 which went into the Sam Houston Fund.

February 27, 1970, $265.56 went into the Sam Houston Fund.

A trip around April 30, 1970, $181 went into the Prosecution Fund.

THE COURT: Prosecution Fund?

THE WITNESS: In the Sam Houston Fund.

June 25, 1974, $67.77 went into the --

MR. DRUKER: $67.77?

THE WITNESS: $67.77

(Pause.)

THE WITNESS: Your Honor, would it be permissible if I went over to the chart and checked these numbers?

THE COURT: Check them against your list?

THE WITNESS: Yes.

THE COURT: Maybe we should do that during the noon recess. Are there any other questions that you

can put?

MR. BOGIN: Yes.

MR. DRUKER: Was the witness finished?

THE COURT: No.

THE WITNESS: No, I'm not.

THE COURT: He wants to check it against the chart.

Q Now, the sum that you testified that you deposited in the San Houston Fund other than those testified to and recorded on that chart, where did these funds come from?

A The $280 that I testified to, the $265.67 that I testified to, the $181 I testified to came from the National District Attorneys' Association.

Q Did you receive anything from the Data Center?

A (No response.)

Q Withdrawn.

THE WITNESS: The $67.77 came from the National Institute of Crime and Delinquincy.

Now, there were trips taken on behalf of the National Legal Data Center on Obscenity and there was $321.27 which came from a private society of security guards or something like that, and there are just two or three others which I can --

Q We can get to those later on.

Mr. Cahn, you submitted reports for the payment of informant fees during the course of your incumbancy as District Attorney, did you not?

A Yes.

Q In the 12 years or perhaps the 25 years of your incumbancy, did you ever have a single report for the payment of an informant rejected or re-examined?

A No, sir.

Q If you had wanted and had no other reason to ensurethe confidentiality of Houston's identity would you have received fundsfrom the County to pay the informant's fees by voucher?

A (No response.)

Q If you had chosen to do so without concern to concealing his identity --

A Do I understand you to ask me, Mr. Bogin, if I wanted to could I have submitted a voucher to the County in the same way I did before, as in the same way as in the past and receive payment?

Q Yes. Other than your concern over the confidentiality of his identity.

A Yes, I could have done it that way.

Q What was the primary and underlying reason you didn't?

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A I gave my word I wouldn't.

THE COURT: We will take our noon recess now and resume at 2 o'clock.

In the meantime, don't talk about thecase at all and don't talk to anybody in the court room.

(Recess taken at this time until 2 p.m.)

(End of a.m. session.)

(continued next page)

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A F T E R N O O N S E S S I O N

THE COURT: These are requests to charge. (Indicating).

Have you anything new in the way of requests, Mr. Druker?

MR. DRUKER: No, your Honor.

THE COURT: Let's get the jury in.

(Jury enters courtroom.)

THE COURT: Good afternoon, ladies and gentlemen.

Mr. Cahn, Iguess you're continuing.

W I L L I A M C A H N , having been previously duly sworn by the Clerk of the Court, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. BOGIN: (Cont.)

Q Mr. Cahn, have you had an opportunity to review the arithmetic we discussed when you left the stand?

A Yes.

Q See now if ycu can give us the figures on that.

A Yes, in addition to what I gave you this morning, there was another trip involving $105.27 which I received from the National Legal Data Center on Obscenity

& Pornography on a trip to Washington. That's a trip in which the County advanced the money.

Now, there was also a trip where I received $386 from the National Legal Data Center on Obscenity & Pornography; however, Mr. Bogin, I am not certain -- there were a number of occasions, exactly how many I don't remember -- wherein for emergency reasons I had to make the trip and then immediately return back and make the trip back again.

In order to compensate for that I billed the County and billed the association. I am 95 per cent certain, therefore, that this was not included, this $386, but there does remain a possibility that it did to into the Sam Houston Fund, but I cannot say that with certainty.

These the only --

Q If you add to the list of contributions or deposits to the Sam Houston fund, the times you testified to, how would that total?

A If we excluded the $386, the total monies received, according to the calculations which I made were $19,103.31.

If I include the $386 on the trip to Los Angeles from the National Legal Data Center on Obscenity & Pornography, the total comes to $19,484.31.

Q So that in either event the amounts you expended in payments to Sam Houston was of somewhat more than the amount you actually deposited into the fund?

A Approximately three to four hundred dollars more is what I thought the fund owed me.

Q We had some discussion about LEAA regulations, Mr. Cahn.

Did you know anything about these regulations?

A I had absolutely no knowledge of the regulations. I never received any manuals. I never received any copies of regulations. I was never a grantee of the Law Enforcement Assistance Administration.

I knew -- I didn't even know of their existence.

Q When for the first time did you learn of the existence of these regulations and their relationship?

A I would say sometime in February of this year.

Q That would be after you left office?

A Almost two years after.

Q And long after the incidents which havebeen testified to?

A Yes, sir.

Q You have since reviewed the regulations, have you not?

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A I have reviewed the regulations which have been offered in evidence, yes.

Q Having read them, Mr. Cahn, and in your opinion as an attorney, after you read them, do you believe that the procedure you followed was in any way in violation of these regulations?

MR. DRUKER: Objection.

THE COURT: Sustained.

MR. BOGIN: Side bar, please.

THE COURT: All right.

(Side bar discussion.)

MR. BOGIN: I don't believe it's critical to the defense because it doesn't go to intent but it is of value.

As an attorney, having established his qualifications as an expert, Mr. Cahn is qualified to respond to this question and it's relevant if he is so qualified.

I don't know -- what the basis that is to Mr. Druker's objection. I believe he doesn't think Mr. Cahn is qualified to make it.

MR. DRUKER: It calls for a conclusionof law.

MR. BOGIN: Mr. Cahn is qualified as an expert.

MR. DRUKER: I can get 50 attorneys to tastify but it's irrelevant what he thinks at this time.

MR. CAHN: Your Honor, there's also testimony there was no problem in the mind of individuals there would be no need to seek an opinion from the LEAA expert.

I think that's pertinent and relevant.

MR. BOGIN: In any event, this is the basis for my question.

THE COURT: No, I think the interpretation of the regulation is something that may be covered in the charge, not by testimony.

MR. BOGIN: You're sustaining the objection?

THE COURT: Yes, I'm sustaining the objection.

(Open court.)

MR. CAHN: Exception to your Honor's ruling.

THE COURT: Yes.

BY MR. BOGIN:

Q Mr. Cahn, what efforts did you make to locate Sam Houston?

A Well, from information that we had that was given to me, the period that Sam Houston was in Naples and I made two trips to Rome in an effort to establish

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a meeting with a man known both to the Government and to my office, as an informer, who identified the composite picture as a gentleman in Naples and I made two trips in the hopes of being able to set up a meeting whereby I could see the gentleman to determine whether he was.

On each occasion this particular informant said that the arrangements fell through.

The second time he was no longer in Rome, he was in Lindenhurst,Long Island, was supposed to get in touch with me, then was coming back to Rome.

I think over a dozen telephone calls between Rome and my home were made in an effort to locate him. Other efforts were made in conjunction with other people throughout the United States in an effort to determine because of our meeting frequency within the Reno-Las Vegas area that he might be there.

Every effort resulted in facing a stone wall.

Q What was your intent in trying to locate him, Mr. Cahn?

A To bring him forward to the Government.

Q Do you think in respect to the payments you've made to Sam Houston, the sum of $19,750 that the information you got from him was reasonably worth that much to the County?

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A $19,750 was paid to Sam Houston from '70, '71, '72, '73, '74. That's over a period of five years which is an average of less than $4,000 a year.

Insofar as an informant is concerned, it's not an overwhelming sum of money. Some of the information he gave me was valuable. Other information that he gave me was of no value but you don't get a hit every time you're up at bat.

There was one piece of information, almost at the beginning which I would think would have been worth ten times the amount I gave him if I could have found out his source of information.

This he wouldn't tell me.

Q For the most part the information you got from him is synopsized in the history cash sheet which is not in evidence, is it not?

A Yes.

Q The jury has an opportunity to see it later.

A Most of the information he gave me is synopsized in that defendant's exhibit.

Q There are several trips which were not within the scope of the indictment in connection with which the Government offers some testimony.

I would like you to explain some of these.

I'm going to draw your attention to them and ask you for your explanation. The first one of these is a trip to Hawaii. I'm sure you know more about it than I could ask.

Would you please explain it?

A Yes.

The trip to Hawaii was during the tenure of Mr. Randall as president of the National District Attorneys Association.

I was president-elect. The trip was being handled by Patrick Healey, the executive director. He had arranged to provide various charters, if possible, from different sections of the country to go to Hawaii and the company he chose in an effort to accomplish this was the Wheaton Travel Agency, located in Wheaton, Illinois, Chicago, Illinois.

Part of the charter group was originally one from New York, one from Boston and Mr. Healey placed me in charge of the charter group from New York with arrangements that my wife, Lynn, was to be a tour guide and if I booked through Wheaton -- that was the package deal -- my room would be complimentary and there was talk of a complimentary air fare. That had to be based upon at least 15 or 16 persons coming from the New York

area.

It didn't work out. There were not 15 or 16. That charter group fell through and, therefore, -- oh, I received a letter from Mr. Healey and I think --

MR. BOGIN: Might we have that letter, Mr. Druker? While Mr. Cahn testifies, will you locate it?

Q Go ahead.

A I received a letter from Mr. Healey telling me my room in Hawaii would be complimentary if I were to stay at the Surf Rider Hotel and if I booked my travel through the Wheaton Travel Agency and I believe he said, "And I think that's your desire," however that entire matter fell through and the group just fell below the 16 or the 15 mark.

That was out. The trip, therefore, was formed here in Nassau County, through ATS.

Q That is you booked through ATS?

A Yes, the trip, the fare and the second week of the trip was booked through ATS. The only thing that they didn't take care of which we had to take care of personally was the hotel rooms while we were in Honolulu, the Surf Rider Hotel.

The entire second week was taken care of by

them; went to Honolulu and the convention lasted one week and I checked out of my hotel, as the gentleman from Honolulu said, my room -- not that I remember -- was Room 1496 and he said there was a man by the name of George Papademas in 1486 -- 1484 or 1486.

I have since in the past few months seen George Papademas. I don't know him. I didn't know him. He was a member of the Board of Directors of the National District Attorneys Association.

I imagine he attended but I just don't know him.

I checked out of the hotel. At this time having booked my entire trip through ATS -- I didn't expect the room to be complimentary but they gave me a bill. I paid the bill in cash which was not unusual because -- and then left to go on the second leg of the trip.

The second leg of the trip was not part of the trip for which the County of Nassau was obligated to pay. All I know is I got a bill when I checked out, paid it and came back.

In the middle of 1975 -- well, when I was before the Grand Jury and I testified before the Grand Jury, I was asked did I ever hear the name George Papademas and I told them, "No."

They informed me at that time that I paid

his bill at the Surf Rider Hotel in Honolulu and that the bill I submitted to the County belonged to George Papademas and there was no name on it. Well, the fact there was no name on the bill was not unusual to me. I've received bills from the hotels --

MR. DRUKER: I object.

THE COURT: What's the question being asked, Mr. Bogin?

MR. DRUKER: What were the circumstances behind his checking out of the Sheraton-Honolulu.

MR. BOGIN: Just as Mr. Druker says --

MR. DRUKER: We are getting into summation, your Honor.

MR. BOGIN: I respect your Honor's ruling with respect to the witness' answers. I have not required --

THE COURT: It's a long answer to the short question. You might continue with some specific --

MR. BOGIN: Time and economy suggests the shorter my question the more time we save.

BY MR. BOGIN:

Q Go ahead, Mr. Cahn.

A That was the first time I heard that I paid somebody else's bill but I paid it in cash. I submitted

that bill which I paid to the County for payment and to this day I paid that bill and when I checked out I checked out 1496, not William Cahn. They don't run it that way.

I heard Mr. Ikawa testify, the bill, Mr. Papademas' bill was sent to Wheaton, the origina. of the copy of the bill that I submitted was sent on April 22 to Wheaton Travel Agency or sometime in April. I got that bill, submitted to the County March 27 or 28. That's just impossible, but the fact of the matter is I paid the bill that was given to me, Mr. Bogin, and as far as I know it was nobody else's bill and no bill of mine was shown to me.

The bill that's marked in evidence, blank, indicating I never checked out; true, I never checked out with that bill.

Q The bill you checked out with is the one you paid?

A That's the one given to me.

Q That's the one the County reimburses you for?

A That's the one I was reimbursed by the County.

Q Did you ask the County to reimburse you for any other bill relative to Hawaii?

A No.

Q Just this one?

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A This hotel bill.

Q Did the County pay you for any bill you didn't pay?

A No, sir.

Q Another situation the Government offered in evidence involved a trip to Reno in 1969, in Septem-er.

As briefly as you can, please, describe the circumstances of that trip.

A The bill I submitted to the County was for expenses; the money I got from the National District Attorneys Association, to the very best of my recollection was monies that Iphysically laid out for the entertainment of the almost ten people who attended the committee meeting.

I don't know of any correspondence that exists.

Q You paid, laid the funds out of your own pocket?

A Yes, there's about a ten dollar difference between the amount that I billed the County and the amount of the check from National District Attorneys Association but it has nothing -- that's coincidental, nothing else.

Q That's sheer coincidence. The fact is --

MR. DRUKER: I object to Mr. Bogin's repeating

the witness' testimony or else testifying on his own.

MR. BOGIN: I withdraw the question.

MR. DRUKER: Mr. Bogin --

THE COURT: Wait a minute, he withdrew it.

MR. BOGIN: I withdraw it.

BY MR. BOGIN:

Q The Government introduced evidence regarding a trip in February, 1969 to Indianapolis, Miami and New York.

Have you an explanation for that set of circumstances?

A That's a long time ago, Mr. Bogin. All I can tell this court and jury is that to the best of my recollection it was my intention to pro- that particular trip from New York to Indianapolis .

I think I did it one way. I may have failed to do it in the return trip. If I did it was sheer mistake, mistakes --

Q Did you have any intention of profitting by that mistake?

A No, I did not.

Q In November of 1969 you were in Arizona and there was some testimony relating to that trip, again

outside the scope of the indictment.

Will youplease explain that.

A Yes. Again, I believe that when I went to Arizona at that time there were two trips involved. I went, I came back to New York on some emergency in the office and then returned to Arizona. Instead of billing it twice, the association paid for the trip and the County paid for the trip, but they were two separate trips.

Q Mr. Cahn, let's get to Mr. Ira Theadore and the trip to London. Mr. Theadore testified relative to some recollection of a discussion with you.

Do you recall that testimony, Mr. Cahn?

A Yes, I do.

Q In your estimation was Mr. Theodore making any mistake in his narration?

MR. DRUKER: Object to the form. I think it's improper for him to be called upon to characterize someone else's testimony.

THE COURT: He can give his own version and comment on Mr. Theadore's testimony in connection with it.

A No, I don't think Mr. Theadore was making a mistake. I think he was lying.

THE COURT: Strike that out, please.

I said you could comment on the testimony as to differences.

BY MR. BOGIN:

Q Mr. Cahn, rather than my interrogating you point by point, will you please describe the circumstances of that episode?

A Prior to that particular trip, I had never met Mr. Theadore. All of my relationships prior to that were with Mr. -- at first, a Mr. James Sochin, who introduced me to Mr. Arnold Tolkin.

Q Was Mr. Tolkin the principal of the agency?

A As far as I know Mr. Tolkin was the head of the agency and the only owner of the agency. All of my relationships, all of my conversations in reference to all of my trips were with Mr. Tolkin. I think I spoke to Mr. Theadore perhaps 15 minutes in reference to all of the trips and the only time I spoke to him insofar as this London trip was concerned was when I first met Mr. Theadore in London and he accompanied us on theother trips from London to the other cities and helped us arrange the contacts with law enforcement officials who lectured us and who helped us arrange the visits to the various jails and see the various public officials.

If I may have the exhibit in reference to that?

Q Can you go on without the exhibit for a while?

A Well, the trip took place sometime in December and sometime after thetrip, the bill was divided into single rate and double rate.

Q This was a package trip?

A Package trip.

Q And the bill would have been a package bill?

A Yes, on the basis of a single rate because that's what the County pays, no matter whether you're accompanied by your wife or not. They don't divide it by half. They pay you your single rate. I gave deposits prior to the trip.

Q Who did you give the deposit to?

A Mr. Tolkin.

Q ATS?

MR. DRUKER: Excuse me, I have the photo-copy of the exhibit here.

Q Here, Mr. Cahn, is this the exhibit your requesting?

(An exhibit is handed to the witness.)

A Yes.

Q Will that serve to refresh your recollection?

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A Well -- (pause.)

MR. DRUKER: Unfortunately, I can't locate it at the moment. I think we can agree, can we not, to an exact Xerox of it?

MR. BOGIN: I'm not concerned about the check. I believe there's another exhibit that relates to the details of the trip and the County.

MR. DRUKER: Here (indicating).

MR. BOGIN: That's it, thank you.

BY MR. BOGIN:

Q I believe these are the documents you need, Mr. Cahn, to refresh your recollection.

(Documents handed to the witness by Mr. Bogin.)

A I'm just not sure what year the trip took place. Somebody refresh my recollection as to whether it was '71 or '72.

MR. DRUKER: November 29th to December 13th, 1971 is the testimony.

A (Continuing) I believe the single rate was $875. and then went to $895. When we returned I had a conversation with Mr. Tolkin in reference to extra treatment which I received on the trip by way of larger suites, larger rooms which amounted to $150 to charge me.

He sent me a bill for $1,050. The bill was submitted to the County and I believe I was paid sometime in January of 1972, after the trip, and thereafter I paid whatever balance Iowed toMr. Tolkin in cash for which he signed a District Attorney's receipt.

When I say that, it's a pad of receipts and he signed that.

Q When you say the balance, you mean over and above the deposits you made?

A Whatever was the balance I paid him at that particular time. That was the last I heard about that particular trip.

Q Have you made an effort to locate that receipt?

A Yes.

In November of 1974, after the election, Mr. Tolkin, again -- Mr. Tolkin -- arranged a vacation trip for me and after the vacation which was the latter part of November, I got a call from Mr. Tolkin asking me how I enjoyed the trip. "Fine."

He said, "By the way, I've been questioned and all my records pertaining to your travel have been subpoenaed by the Federal Government."

I said, "So?"

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He said, "Well, I am concerned about the outstanding London bill."

I said, "What outstanding London bill?"

He said "You never paid for the London trip back in so-and-so."

I said, "Arnold, you're mistaken, I paid it to you in cash and you signed the receipt."

I said,"We're cleaning out everything. I will look and I will show you the receipt."

If not December 13th, it may have been December 12th but Friday the 13th kind of refreshes my recollection.

I asked him to come to the office. He told me he was extremely busy, would I mind coming to see him. I did. His office was in Roslyn, ten minutes from the courthouse. This was in the evening about six o'clock.

Both Mr. Tolkin and Mr. Theadore were there. Mr. Theadore walked out because he had other people with whom he was talking.

I had gone through all of my records, trying to find this receipt. I could not. I spoke to Mr. Tolkin about it and I said, "Arnold," by the way, we were extremely, in my judgment, we were extremely close friends at that time. We had done a lot of business together, both for the County and personally.

I said, "Arnold, I cannot find the receipt." I said, "But you know I paid you." I said, "I'm telling you now if this was a personal trip of mine, hell would freeze over before I would give you a dime." I said, "Because this involves a County trip, I am personally responsible and therefore, I'm going to give you a check for the trip."

I made out a check not for $835, because I never saw this. I made out a check for the thousand and fifty dollars which was for the bill that I received and I gave it to him and I said to him, "Now, look," by the way, Mr. Theadore was not in the room at this time.

I said, "Please, it's a lot of money. Look through your records. If you find a receipt or if you find some evidence that the money was paid, please send the check back or tear it up. If you don't,call me because I got to make the check good."

And he said, "Absolutely."

But again he said to me, "Bill, you didn't pay it."

I said, "Arnold, I did."

We left -- excuse me, Ira Theadore then came into the room and a breif resume of that conversation took place between Mr. Tolkin and Mr. Theadore.

About two weeks later I received a telephone call from Mr. Tolkin telling me, "Bill, everything is all right. Let's have lunch."

I believe it was on January 13th or January 14th. We had lunch at the Westbury Manor in Westbury, New York. He was extremely late and he said to me, "Look, I found out everything is taken care of. It was paid. Don't worry about it. I tore up the check."

I said "Fine, but you placed me in a very embarrassing position."

He said, "Please forgive me."

At that particular time, he was rather ill. He was working in Mexico and got some virus in Mexico and he went to the hospital thereafter or maybe even sometime before.

I remember we sent him a book in the hospital, but in February of 1975, Ispoke to Ira Theadore who told me he had testified before the Grand Jury, everything was all right. Fine.

Again, at the same time this information about Honolulu, San Juan and such was brought to me, I was told that the information was that the trip to London wasn't paid for.

I called up Arnold Tolkin and asked to see him.

588 Cahn - direct

He told me he was either going away or was very, very busy and the only time he could see me was at his office at eight o'clock -- no, it was a Monday morning. I said, "Fine."

Sunday evening I received a telephone message from him and when I got back to my home I called Arnold Tolkin and he said, "Bill, I don't know what's going on but my lawyer told me I shouldn't talk to you any more."

I said, "Why?"

He says, "Look, I don't know what's going on. He told me I shouldn't talk to you any more."

That's the last time I spoke to Mr. Tolkin. That's the last time I saw Mr. Tolkin until I saw him leaving this courthouse with Mr. Theadore the day Mr. Theadore testified.

(continued next page.)

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589 Cahn-direct

Q Now, with respect to Mr. Theodore's testimony, Mr. Cahn, did you at any time ask him to make any statements that were untruthful in your behalf either to the Government, the Grand Jury, or anyone else?

A I never asked Mr. Theodore to do anything or say anything that was untrue. All I asked Mr. Theodore was, as I testified here, to please look for the receipt that it was paid.

Mr. Theodore wasn't even in the room.

Q As far as Mr. Theodore is concerned --

MR. DRUKER: I ask that the witness try to confine his answers to the question.

THE COURT: I thought the question was whether he asked Mr. Theodore to say anything --

MR. BOGIN: That was the question, your Honor.

Q Does that answer apply to Mr. Theodore?

A That answer applies to Mr. Theodore.

Q Now, Mr. Cahn, did you personally profit or benefit by one penny out of the monies received by you either in connection with the items enumerated in the indictment or those testified outside the scope of the indictment from any of the private agencies?

A No, I didn't receive a single penny.

MR. BOGIN: I have no further questions.

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Cahn-direct

THE COURT: Mr. Druker.

MR. DRUKER: May I have a moment to talk to Mr. Bogin?

THE COURT: Let's take a five minute recess before we start the cross-examination.

The jury go back to the jury room and please don't talk about the case.

(The jury left the courtroom.)

MR. CAHN: There are two witnesses from Puerto Rico and one character witness, can we put them on prior to my cross-examination?

THE COURT: Yes.

MR. DRUKER: No objection. I ask that this be marked 58 for identification. It stipulated if Mr. Patrick Healy were recalled he would testify this is a document out of the NDAA check stub book kept and maintained in the regular course of business.

MR. CAHN: Yes.

Your Honor, Neil Cahn is to interrogate the character witness and I am to examine the others and then I will resume the stand and further testify.

THE COURT: Are we ready?

MR. BOGIN: We would appreciate the recess.

(Recess taken at this time.)

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THE COURT: All right. Let's bring in the jury.

(Jury is in the jury box.)

THE COURT: We are going to interrupt Mr. Cahn before his cross-examination.

NEIL CAHN: The defense calls Mr. Carlino.

MR. CARLINO: Hello, Judge.

THE COURT: How do you do.

J O S E P H F. C A R L I N O, a witness called herein was sworn by the Clerk of the Court, and testified as follows:

DIRECT EXAMINATION

BY NEIL CAHN:

Q What is your present occupation, Mr. Carlino?

A I am an attorney practicing law in Mineola and New York City.

Q Could you tell us a little bit about your background?

A Well, I have been a lawyer since 1940. I was a member of the State Legislature from 1945 to 1964, during which time I was the Speaker of the Assembly and also the Majority Leader under Governor Rockefeller.

Q Do you know the defendant, William Cahn?

A Yes, I have none Mr. Cahn since approximately 1950.

Q How did you come to know him and in what capacity?

A Well, we were active in civic and social affairs of the city of Long Beach, where I then lived. At or about that time he moved into Long Beach, shortly after having been discharged from service, and shortly after he was married. I became friendly and acquainted with him and thereafter he was appointed Assistant District Attorney and I was very close socially and in all of the community activities since.

Q In the 25 years or so that you've known him, have you had occasion to discuss Mr Cahn's reputation in the community for truthfulness?

A Yes.

Q Do you know his reputation for truthfulness in the community?

A His reputation in the community both in Long Beach and Nassau for honesty and integrity is excellent and always has been.

NEIL CAHN: No further questions.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Mr. Carlino, would you characterize yourself as a good friend?

A I am a good friend and admirer, politically and --

Q Did you attend dinners for the election and reelection of Mr. Cahn?

A Many dinners both in honor of Mr. Cahn and pertaining to his election.

Q Do you have any personal knowledge of the facts of this case in two regards, one as to whether or not Mr. Cahn was using the United States mail to defraud various organizations and associations around the country?

A I understand that is one of the charges.

Q Do you have any personal knowledge that he did this?

A No.

Q Secondly, that he made material false statements or concealed material facts from federally funded organizations in claims he submitted?

A I can't believe it could happen.

Q Is there any evidence that could establish that to your satisfaction?

A I am not on the jury, but I can't believe in view of what I know about Mr. Cahn ever since he was a lawyer beginning six months after his admission that he could engage in anything illegal in conjunction with his office or in his private affairs.

Q Had you heard Mr. Cahn went to prospective Government witnesses and tried to influence them to falsify their testimony here?

A I read some statement in the press by one of the witnesses and I don't believe a word of it, I know it just couldn't happen.

MR. DRUKER: Thank you.

NEIL CAHN: No further questions.

THE COURT: Good to see you.

THE WITNESS: Good to see you.

THE COURT: We have to reminisce some day.

MR. CAHN: Thank you.

THE WITNESS: Good luck.

C H A G O M U N O Z , a witness called herein, was sworn by the Clerk of the Court, and testified as follows:

THE COURT: Be seated, Mr. Munoz, and please talk loud enough so that everyone in the courtroom can hear you.

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Munoz, what is your present position?

A Now, I am sales director in the Holiday Inn in San Juan, Puerto Rico.

Q In May of 1972, what was your position?

A I was sales director and convention service manager of the Americana Hotel in San Juan.

Q As such, Mr. Munoz, did you arrange with the defendant William Cahn for a convention of the National District Attorneys Association to take place in August of 1972?

A Yes, sir, I did.

Q Mr. Munoz, did there come to your attention a matter of Mr. Cahn's stay at the Americana Hotel on May 7, 1972, and I show you Government's Exhibit 17C in evidence and ask if that perhaps refreshes your recollection?

A Yes, I recognize this as a hotel bill of the Americana Hotel under your name.

Q Do you remember circumstances about this particular stay?

A Yes, I do. I recall that whenever we had a convention project in our hotel it was the policy of the hotel to compliment the executive, sometimes with room, sometimes with room and board, sometimes full compliment.

In this particular case, it was full compliment. I recall this incident because Mr. Tolkin from ADS Travel, I think it was, once called me that the cashier of the hotel had presented you with a bill to be paid. He asked what was going on in the hotel, "What are you doing to my client?" I said that that must be a mistake because our letter of agreement states that when Mr. Cahn comes on an inspection

visit he and his committeemen are entitled to full complimentary.

I told him I would take care of that. I went to the accounting department. I showed them the contract letter which it states so, and accounting told me we will take care of that, meaning they will either make a rebate on the bill or don't bill you any more forit.

Q Prior to the time that you went to the accounting department, does that indicate that the bill was to be paid?

A Prior to that it says complimentary up here in the right hand corner (indicating), meaning it shouldn't be collected from the guest.

May I say so, it seems to me it was a clerical mistake when the cashier presentedthe bill to you.

Q The bill should not have been presented to me?

A The bill should not have been presented to you and if presented it should only be a bill for personal incidentals.

MR. CAHN: No further questions.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Mr. Munoz, you testified there was an agreement pursuant to which Mr. Cahn was to get complimentary room and meals prior to the convention?

A Yes, that is right.

Q Was this one of the occasions on which he was supposed to get free room and meals?

A Right.

Q Ordinarily when someone is given free meals, the entry reads full comp, or something like that?

A It will read comp or full comp, either way.

Q The notation comp on this document covers Exhibit 17 in evidence, that would indicate to you at least a complimentary room, would it not?

A In this particular case, according to your letter of contract it would have meant full complimentary.

Q Full complimentary?

A Yes.

Q With regard to the clerical problem you testified about, when Mr. Cahn was checking out, that was just with regard to the meals part of the bill, was it not, he was not asked to pay for the room?

A That was an incident between Mr. Cahn and the cashier. I was not present.

Q You were not aware that there was a problem at the time he checked out?

A Right.

Q One thing, Mr. Munoz, could you testify whether or not Mr. Cahn ever paid that bill?

A That I could not say. That is accounting procedure.

Q Those are the records of the hotel?

A Yes.

Q Would they indicate a notation if the bill was paid?

A Here on the bill?

Q Yes.

A The bill has a balance of $438.95. If it were paid the balance would be 000.

Q Zero?

A Yes.

Q The balance is four hundred some odd dollars?

A It is an open balance.

Reel 2 fol. (Continued on next page)

Q Mr. Cahn stayed at the Americana in San Juan on more than one occasion in the years 1971 and 1972, is that correct?

A Yes.

Q Is it fair to say, to your knowledge, on each and every day he did not pay for either his room or his meals?

A It was full complimentary.

Q Full comp?

A Yes.

MR. DRUCKER: Thank you.

REDIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Munoz, if the rooms were complimentary, would not the bill have contained only a bill of incidentals?

A Right. In this bill it shows right here room and tax, $78.75, once, twice, three times.

Q Would that not indicate to the cashier --

MR. DRUCKER: I am going to object to the leading.

THE COURT: What would that indicate to the cashier?

THE WITNESS: This will indicate one thing, that the night auditor, when picking up the bill he didn't look at the comp. sign and posted the room rent

on the bill.

Q Then the cashier checking me out, if it was at 6 o'clock in the morning, what would the bill charges for room then indicate to him?

A In here, the cashier seems to me didn't notice there was a room charge and was presenting this to my knowledge, as an incidental bill.

Q The fact that the room charges were along with the incidentals, what would that indicate?

A That would indicate all these figures over here were incidentals only and he was presenting you the bill as an incidental bill.

MR. CAHN: Thank you.

MR. DRUCKER: No further questions.

THE COURT: Thank you, you are excused, Mr. Munoz.

THE WITNESS: Okay.

MR. CAHN: Thank you, Mr. Munoz.

J E R O M E E. S O L O M O N, a witness called herein, was sworn by the Clerk of the Court and testified as follows:

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Solomon, what is your present occupation?

A General Manager of the El San Juan Hotel.

Q In May of 1972 -- that is in San Juan, Puerto Rico?

A That's right.

Q In May, excuse me, May of 1972, what was your occupation?

A Managing director of the Hotel Americana in San Juan.

Q Were you managing director of the hotel, of the Americana Hotel, during the time that the National District Attorneys Association had a convention there?

A Yes sir.

Q Prior to this time, did you meet me?

A Yes sir.

Q In sometime during this year, did I speak to you at the El San Juan Hotel?

A Yes sir.

Q Did I ask you about the procedures at the Americana Hotel in May of 1972 and show you a bill?

A Yes sir.

Q I show you Government's Exhibit 17C and ask you if this is a copy of the bill I showed you.

A It is, yes sir.

Q As general manager, what were your responsibilities?

A Overall operation of the hotel.

Q You set the policy?

A Yes.

Q Would you tell the Court and Jury, Mr. Solomon, what that bill means to you?

A Mr. Cahn stayed at the hotel from May 3 to May 7 and he owes the company $438.95.

Q And does that bill indicate to you that the amount was complimentary?

A No, it does not.

Q Could you tell the Court and Jury why not?

A Well, first of all, on a comp. reservation, the room and tax would not be posted to the folio. This folio would only represent incidental charges, food, beverages, laundry, and telephone.

This has room and tax.

Q What does that indicate to you?

A That it was presented as not a complimentary reservation.

Q Insofar as the other incidentals --

A They were due and payable, restaurant charges, bar charge, all of it here.

Q May I ask you this, Mr. Solomon, when a guest of the Americana Hotel checks out, and I am talking about at

that particular time, is the bill finalized on that day or is there a delay?

A Well, the guest checking out should pay at that time or have the privilege of signing it at that particular time and the cashier at the front desk sends it down to the accounting department and does the bill if it is not paid or send the money down if it is paid.

Q Would the date involved at the bottom of the bill indicate any problem to you at the time of check-out?

A As of the check-out date, which was the 5th, as far as I would be concerned, you owed $474.75.

Q Is it your testimony, sir, that as far as you are concerned that bill indicates that it wasn't complimentary?

A At that point, at the point of check-out, no.

Q At that point of check out?

A No.

MR. CAHN: Thank you.

CROSS EXAMINATION

BY MR. DRUCKER:

Q Mr. Cahn asked you about a conversation you had with him in this year in the Americana in San Juan, was that in person?

A Not the Americana, the San Juan.

Q Was that in person?

A Yes.

Q When was that?

A Approximately, I would say two months ago.

Q Maybe in March of 1976?

A I don;t know the exact date. It would be around then.

Q You were aware of an agreement between the Americana and Mr. Cahn or the National District Attorneys Association whereby all his room and all of his meals on inspection visits prior to the convention would be complimentary?

A No, that would come through the sales department in New York to the sales department at the Hotel.

Q Have you seen the agreement at all?

A Originally, I could have seen the agreement, sure.

Q I will ask you to look at this document dated August 27, 1970 and more particularly to read the paragraph to yourself which says "Inspection visits."

And that is part of Government's Exhibit 17C in evidence.

(Pause.)

A Yes sir.

Q Does that refresh your recollection as to the

understanding by which Mr. Cahn was supposed to receive free room and board at the Americana?

A Yes.

Q Specifically, did he receive free room and board at the Americana?

A Yes.

Q He never paid that bill for $430 some odd dollars, is that correct?

A If you look at the bill, this happened two days later. Not at the time. At the time of check out the bill was due and --

Q He just signed it?

A Yes.

Q Looking at the record, are you able to determine whether or not the room was in fact supposed to be unpaid for?

A Yes.

Q In short, the room was supposed to be complimentary or not supposed to be paid for?

A Yes.

Q In fact, the room wasn't paid?

A Signed for. As far as the signature the reputable person, it would be acceptable for future payment.

MR. DRUCKER: Thank you.

606 Solomon-redirect

REDIRECT EXAMINATION

BY MR. CHAN:

Q Mr. Solomon, I show you this letter and ask you if that refreshes your recollection as to the date I saw you.

A Yes, I wrote that.

Q What is that date?

A September 1975.

Q Mr. Solomon, prior to testifying, did you speak to Mr. Goldman at the table here (indicating)?

A Yes sir.

Q Did he tell you not to let Mr. Cahn sign it?

A More or less, in those words, yes.

Q What words?

A He told me "Don't let him force you into rembering the truth."

MR. CAHN: Thank you.

RECROSS EXAMINATION

BY MR. DRUCKER:

Q Mr. Solomon, first of all, that is Mr. Goldman (indicating).

Did he talk to you?

A Yes.

Q Didn't Mr. Goldman tell you -- he said don't

let Mr. Cahn force you into telling the truth?

A Don't let me -- making me believe what my recollections are.

Q Mr. Solomon, weren't you told not to let Mr. Cahn snucker you to testifying to something that was not true?

A That's what you told me.

Q And your response was "Nobody was going to snucker me"?

A Yes.

Q You are testifying Mr. Goldman told you --

A Similar to that in the office when I came here.

Q Did Mr. Goldman -- in fact, did he tell you to lie or --

A He didn't tell me to lie. He told me the same thing you told me.

Q Not to let Mr. Cahn snucker you into testifying to something you didn't remember?

A That is right.

Q More particularly, you were told: "Don't let Mr. Cahn try to talk you into remembering a conversation that never took place?

A Yes.

Q You were told that had happened with regard to other witnesses?

A Yes.

Q And just to tell the truth?

A I told you the same thing.

Q You did tell the truth today?

A That's right.

MR. DRUCKER: Thank you.

MR. CAHN: Thank you.

THE COURT: Thank you for coming up.

(Witness excused.)

THE COURT: Mr. Cahn, you will resume the witness stand and Mr. Drucker will proceed with cross-examination.

W I L L I A M C A H N, resumed the stand and testified further as follows:

CROSS EXAMINATION

BY MR. DRUCKER:

Q Mr. Cahn, let's go back to this London trip in November of 1971. That was to London, Paris, and Brussels, possible other places?

A London, Amsterdam, Brussels, Paris.

Q And what county business was transacted on that trip, Mr. Cahn?

A That was a National -- a convention for which I had to obtain approval of the county executive.

Q You weren't seeing any county witnesses on that trip?

A County witnesses?

Q Yes sir.

A As such -- there is a possibility I may have seen some.

Q To the best of your recollection, wasn't this simply a convention of the National District Attorneys Association as refected on your county claim.

A It may have been possible for me to see people who provided me with some information.

Q Did you or didn't --

A It's 1971, Mr. Drucker, I may have and I may not have.

Q It's fair you dont recall.

A It's fair to say I don't recall.

Q But it's not reflected on your county claim, is it?

A What?

Q That you intended to do county business.

A (No response.)

Q In other words, anything of an investigative nature.

A It's not reflected on my county claim?

Q Yes sir.

A That I intended to do any county business?

Q Yes.

A The county claim is filed after the trip so it couldn't reflect my intent.

Q Is there anything on your county claim to reflect any business being transacted in Europe other than your attendance at the National District Attorneys Association Law Enforcement Conference?

A If you show me the claim I will be able to answer.

(Con't on next page.)

611 Cahn-cross

BY MR. DRUKER:

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mp/ss

Q Here is a copy of the claim, Mr. Cahn. I can show you the original if you give me a moment.

Here is Government's Exhibit 63 in evidence, if that will refresh your recollection.

A No.

Q All that your claim reflects is a trip to attend a NDAA conference, right?

A (No response.)

Q Yes or no, Mr. Cahn?

A It reflects the attendance at the conference, meals, gratuities.

Q And the county approved of that travel, right?

A Correct.

Q You were paid for it pursuant to your claim?

A That is correct.

Q Isn't it a fact that the county paid you on' other trips when the sole business purpose stated on your claim was for a National District Attorney conference or convention someplace, for example Honolulu, Hawaii?

A If I received prior approval for a convention such as that, the county paid.

Q Didn't you testify yesterday that the county wouldn't have paid you if you were going on business of the

NDAA alone?

A I'm sorry?

Q Yesterday --

A No sir. You misunderstood. If I may explain?

Q Surely.

A There are two types of trips, one is a seminar or a committee meeting. As a matter of fact, if you remember in my testimony, correctly, I stated that the county would pay for a board meeting of the National District Attorneys Association.

Q Mr. Cahn, didn't Mr. Bogin ask you time and time again, count after count, whether the county would have paid you for solely an NDAA trip and didn't you answer no?

A That is correct. In those instances he asked me, that is correct.

Q Now your testimony is there was some NDAA's that the county would have paid and some they wouldn't pay you for? Yes or no?

A I can't answer yes or no, Mr. Druker.

Q Can you explain it briefly if you would, Mr. Cahn?

A If there is a convention -- I believe Mr. Randall testified there was four meetings a year, conventions, and board meetings. For those the District

Attorney had to obtain the approval of the county executive, and for those trips the county would pay. And it never would concern itself with the drug conference or the drug seminar. That was totally different.

Q So then, isn't it true, there were some NDAA's the county would pay and some NDAA's the county would not pay for?

A That is correct.

Q Now, you knew ahead of time when you went to London and Paris and Brussels and Amsterdam this was going to be almost an entirely complimentary trip, didn't you?

A No.

Q Didn't Mr.Tolkin tell you two weeks ahead that 900 out of $1200 of the bill would be written off?

A No sir.

Q Did you pay for the trip before you left?

A Paid $395 before I left.

Q A check for $345 and a check for 50?

A That is correct, I believe.

Q That left a balance of $895, right?

A No.

Q What was the balance?

A 1050, I guess.

Q It was or wasn't, don't guess?

614

A That was the bill given to me with the explanation I made. $155 extra to me.

Q Prior to leaving for the trip in 1971, did you pay any of that 1050?

A No.

Q Within a few weeks or months after you came back from the trip in 1971, did you pay any of it?

A Yes.

Q When was that?

A I would have to say sometime possibly in December, possibly in January. I would presume sometime after January.

Q Do you have a check for that payment?

A No, I paid it in cash.

Q In cash?

A Yes.

Q To whom?

A Mr. Tolkin.

Q Did you get a receipt for it?

A Yes.

Q Where is that receipt?

A I couldn't find it.

Q You looked?

A Oh yes.

615 Cahn-cross

Q You are positive you paid it back then, $1,050?

A To the best of my recollection, maybe -- yes, to the best of my recollection about that amount. I am almost sure.

Q Three years later you gave Mr. Tolkin or Mr. Theodore a check for $1,050, and you were paying for the trip twice by your reckoning, right?

A That's right.

Q $2100 for a $1050 trip?

A More than that.

Q Plus the $395 downpayment?

A Yes, that is correct.

Q The time you wrote that check, was that the date on it, December 13, 1974?

A Approximately that time. Might not have been the exact date.

Q Maybe a week or two --

A The date I wrote the check?

Q If the check says December 13, 1974, my question to you now is, did you write the check on December 13, 1974?

A No, I couldn't swear to that.

Q As a matter of fact, Mr. Cahn, December 13, 1974, you only had $94 in your bank account, didn't you?

A In that particular bank account?

Q Yes sir.

A That is a great possibility.

Q I show you this, see if this refreshes your recollection at all?

A You don't have to. I don't have more than two or $300 in that particular account at any one time.

Q Are you in the habit of writing checks without funds to cover?

A On that account, yes sir.

Q Isn't that a crime in New York State?

A Not if you do not intend to defraud and deceive. Each time the checks were collected, they were covered.

Q You had good intent when you wrote the checks without funds in the bank?

A When Iwrote checks on that account, Mr. Druker, I had intentions of covering the check, that's why I told Mr. Tolkin to let me know if he was going to cash it.

Q At the time you wrote the check and you didn't have funds to cover it, you had good intentions?

A Good intentions.

Q You didn't intend to do anything evil or violate the law, right?

A That is correct.

Q Now, after you got back from this trip to Europe,

you submitted a claim to Nassau County, did you not?

A Yes sir.

Q On or about January 6, 1972 --

A The date of the claim, sir.

Q That would be on or about November 29?

A The claim was submitted December 20, 1971. To the best of my knowledge.

Q And attached to the claim is an invoice -- withdrawn.

Didn't you submit this claim and then have it kicked back to you on or about January 5, 1972 by the comptroller?

A Not kicked back, the question was raised --

Q It was returned to you?

A I don't know.

Q With the notation, please submit itemized bill showing breakdown of charges?

A Yes.

Q That was because you hadn't submitted a bill prior to that?

A Because I didn't have a breakdown of charges.

Q Was it after that you called up ATS or had Gladys call and ask them to send you an invoice for $1050?

A Absolutely not.

Q When was it that you got that invoice for $1050?

A Prior to the submittion of the claim to the county.

Q Then did you -- after it was returned to you with that notation, did you on January 6, 1972, send a memorandum to the comptroller of Nassau County in which you stated thefollowing: Enclosed is my claim for the aforementioned trip, there are no breakdowns of charges since this is a flat-rate paid to the agency for the two-week tour, including transportation and hotel and paid on the group rate for all the people going. This is why the amount was so small. When I went to Hawaii the claim was paid in the same manner and I don't think we should look a gift horse in the mouth and appreciate payment of --

A That's the letter to the comptroller.

Q You didn't tell the comptroller you hadn't paid for anything but $395 of this trip, did you, Mr. Cahn?

A Didn't tell the comptroller I hadn't paid for it?

Q Yes.

A Because I hadn't received the funds. Ipaid for it after I received the check from the comptroller, Mr. Druker.

Q After this check for $1385, it is your testimony

you took $1050 in cash down to Mr. Theodore and Mr. Tolkin and paid them, is that correct?

A No, that is not right.

Q Okay.

A I didn't see Mr. Theodore at all.

Q I said or Mr. Tolkin.

A I believe you mentioned Theodore first.

Q I said Mr. Theodore or Mr. Tolkin.

A I am saying to you I never saw Mr. Theodore at all.

Q How about Mr. Tolkin?

A I didn't take it down to him, Mr. Tolkin came into my office and the payment was made to Mr. Tolkin in my office.

(Continued next page.)

3PM SS/nc

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CROSS-EXAMINATION

BY MR. DRUKER: (Cont.)

Q If Mr. Tolkin's recollection is otherwise, he is in error, is that right?

A Mr. Tolkin's recollection is otherwise, he's in error, yes,sir.

Q You testified about this matter in a Federal Grand Jury on February 21, 1975, did you not?

A Yes, I did.

Q This would be about two months, or twoand a half months after the check dated December 13, 1974; is that right?

A That's correct.

Q You didn't mention anythinf about that to the Grand Jury, did you?

A Anything about the check?

Q Yes, sir.

A No, sir.

Q You were asked if you paid for this trip and you said youpaid for it back in 1971, right?

A That's correct, sir.

Q You didn't tell the Grand Jury you in fact paid the check for $1,050 to ATS just two months before you were in the Grand Jury, did you?

A No, because Mr. Tolkin had already told me he had torn up the check and that money was paid.

I had lunch with him at the Westbury Manor in January of 1975, Mr. Druker.

Q Is Mr. Tolkin under subpoena as a defense witness in this matter?

A Is he under subpoena?

Q Yes, sir.

A He was in the courtroom when Mr. Theadore testified.

Q You told him the other night--you had a little discussion with Mr. Tolkin after he left the courtroom, didn't you?

A Yes.

Q Outside?

A That's right.

Q You told him --

A Not a discussion. I asked him a question.

Q Did you tell him at that time that he would be coming in as a witness or words to that effect?

A I asked him why he didn't testify.

Q Didn't you say to him,"You'll be on the stand, Arnold"?

A No, I didn't.

Q Mr. Cahn, let's go into the mechanics on the

Prosecution Fund in general.

On some trips you were travelling out west and it would be for possibly an extended period of time you would take an advance; is that correct, maybe $500, a thousand, 1500, not every case but a lot of times?

A Yes, depending upon how long I thought I was going to be away and how many people were accompanying me on the trip.

Q It would be your expectation that this advance would be sufficient to cover your expenses for the trip, right?

A I think that's a fair statement, sir.

Q While you were -- let's use San Francisco, for example. While you were in San Francisco, you would spend the money that you had taken from this advance, right, from the County, cash advance?

A Yes.

Q You wouldn't be spending your own money on the County business, as a rule?

A There were times I spent my own money.

Q I'm talking general now. Sometimes you would spend more than the advance, sometimes less. If you take $1500 you would use it for the hotel room, you would use it for meals, use it for your County expenses, right?

A Whenever and wherever possible, yes.

Q You would be spending county money not yours, ordinarily?

A That's correct.

Q Now, you return to Nassau County after the trip and as of that point, let's assume the trip cost you $1500 on the nose and you had spent your $1500 advance.

You're out of pocket nothing, right?

A That's right.

Q The Prosecution Fund is out the $1500 cash advance temporarily, right?

A The County of Nassau, through the Prosecution Fund, yes.

Q So then you would submit a claim to the controller of Nassau County on behalf of the Prosecution Fund; is that right?

A That's correct, or as is indicated by some of the evidence --

Q We'll go into those where it would be you.

A Yes.

Q Right now, I'm talking about this situation.

Assuming, again, that your expenses had been $1500, the County would issue a check to the Prosecution Fund in the amount of $1500, right?

A Right.

Q The check would be deposited to the Prosecution Fund, right?

A That's correct.

Q So the Prosecution Fund would be made whole at that point; is that correct?

A That's correct.

Q The Prosecution Fund is whole as of that point and you are whole; is that right?

A That's correct.

Q So that if and when you sent a claim out to the National College or to the National District Attorneys Association, this money would not be to reimburse the Prosecution Fund; is that right?

A No, to reimburse the County. When the Prosecution Fund advances me the money, Mr. Druker, the County is advancing me the money. The Prosecution Fund is the vehicle through which the County advances the money.

Q Then the County controller pays back the Prosecution Fund?

A And the County is still -- the County controller pays the Prosecution back because that's a rotating fund, has to be kept up to snuff.

The County is still advancing $1500.

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Q The Prosecution Fund is whole and the County has expended $1500; is that right?

A If there's another trip involved, is advanced $1500.

Q Mr. Cahn, please, after you get back and you issue the claim for $1500 and the check has been issued to the Prosecution Fund and the money has been redeposited to the Prosecution Fund, the Prosecution Fund is whole, right?

A The Prosecution Fund has been replenished.

Q You're whole right, because you didn't spend your money?

A I didn't -- that's correct.

Q Then you would send a bill to the National DA's Association for some of the expenses, let's assume?

A You're talking about a hypothetical where I went to San Francisco --

Q For the NDAA.

A Swell, okay.

Q You didn't take that money, except in the one instance you testified about, give it back to the County, did you, directly?

A Did I do that?

Q Yes, sir.

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A In my opinion, yes.

Q Did you tell the controller that he was getting back some of the money that theCounty spent on the trip?

A When, at the time?

Q At any time.

A Yes,sir.

Q Prior to 1974, mid --

A Prior to 1974, no, but in 1974 I told him those were County monies.

Q After you were under investigation?

A After he came to me and asked me to explain the procedure, yes.

Q Then you told him, "During the last three years I was paying the County back from these other entities, the County just didn't know about it," something to that effect?

A No, Mr. Druker, that's incorrect. I told him for the last four, five years I have been repaying the money using County funds,in my opinion the County knew all about it because I was under the impression Mr. Roncallo knew all about it.

Q Mr. Cahn, isn't it your testimony on each and every one of these trips involved, Counts 1 through 46 -there was County business involved that you were seein

witnesses or digging up evidence, meeting with police officers someplace?

A In each of the counts that were involved.

Q So the County was ready, willing and able to pay for your travel, right?

A For County business, yes; they could have paid for the County business if there was no other business to be conducted, but if there was, they would have expected payment according to Mr. Christ.

Q Is it your testimony the County would not have paid you on a given trip if they had known that you were giving a lecture for the NDAA or the National College?

A And for that purpose alone?

Q No, dual business.

You're going on a County trip, County pays a thousand dollars for your going on the trip. While out there you give a thirty minute speech for the NDAA.

The County would pay for it, wouldn't they?

A Not if the NDAA was going to pay for it.

Q Mr. Christ told you this?

A Told you and he told this Court.

Q He said one or the other, right, would be paying for it, not both?

A He said in his opinion, if I received money

from the NDAA the expenses would no longer be actual or necessary and, therefore, he wouldn't pay.

Q So that it's your testimony that you treated this money as County money when it came in from these outside organizations; is that right?

A That's correct.

Q Prior to the time that you came under investigation, did you tell any representative from the County that you were doing that?

A Yes.

Q Treating it as County money, paying it to an informant?

A (No response.)

Q What was that?

A Mr. Roncallo.

Q That's not what Mr. Roncallo testified to.

A That's not what Mr. Roncallo testified to.

Q His successor was Mr. Christ who was in office for a couple of years during this period of time?

A Yes.

Q Did you tell Mr. Christ what you were doing?

A No, sir. I did not.

Q Did you tell Mr. Spinnato?

A Mr. Spinnato? No.

Q Chief Spahr?

A No.

Q You told them about Sam Houston, one of the most sensitive things that hit your office?

A That's correct -- it wasn't the most sensitive.

Q It wasn't the most sensitive?

A It wasn't --

Q Wasn't it highly sensitive?

A It was highly sensitive, but not one of the most sensitive things but I did not tell Mr. Spinnato about the method of payment. I saw no necessity for it.

It wasn't his business nor Chief Spahr's business.

Q Wasn't it Mr. Spinnato's business when you were using his name to claim dual reimbursement?

A Mr. Spinnato didn't put in his hand in his pocket for ten cents. It wasn't his business.

Q You had Mr. Spinnato endorse the checks that came in, right?

A That's correct.

Q Many cases he signed the claims that went out to the various organizations; is that right?

A That's correct.

Q If something had happened to you and this matter had become public,wouldn't Mr. Spinnato then have been left holding the bag?

A No.

MR. BOGIN: Objected to as speculative.

A No.

THE COURT: Overruled.

Q Didn't you think you might be jeopardizing Mr. Spinnato's career if something happened and you weren't around to explain what happened?

A No.

Q Wouldn't Mr. Spinnato be in the position of having had a claim submitted in his name to Nassau County and a claim submitted his name to an outside organization?

A No, because Mr. Spinnato never submitted a claim to Nassau County, Mr. Druker. I submitted the claim in Mr. Spinnato's name. The monies came to me.

Q Of course--

A Mr. Spinnato didn't pay anything.

Q Of course only you knew that, that you were doing this on behalf of Mr. Spinnato?

A Mr. Spinnato knew he wasn't paying anything.

Q Mr. Spinnato didn't know you were also

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putting in claims to Nassau County using his name on those trips when you had him sign claims to the National College of District Attorneys?

A I don't know what he knew or didn't know.

Q Did you ever tell him that?

A No.

Q "Joe, just in case, I want to generate more money to pay Sam. I want you to know in case the lid blows that I'm submitting claims on your behalf to the County"?

MR. BOGIN: I object to this characterization of Mr. Cahn.

THE COURT: Overruled, he can answer.

A I don't know what you're talking about when you say, "in case the lid blows." I had no idea, no premonition of any kind of lid blowing. I didn't think there was anything wrong with it because if I had I wouldn't have done it.

Q Do me a favor, Mr. Cahn, let me finish my questions before you give the answer, please.

A I thought you did. I apologize.

THE COURT: Go ahead, Mr. Druker.

Q By the way, did you ever tell anybody from any of these associations, the National DA's Association

or the National College that you were getting reimbursement from the County for the same travel expenses that you were having them pay?

A It wasn't true.

THE COURT: No, read the question, please. Let's get an answer.

(Record read.)

A No, it wasn't true.

Q Didn't you ever submit claims to the National College of District Attorneys in which you submitted air line vouchers or airline tickets, copies of tickets? You did that, right?

A Yes.

Q In any of those instances hadn't you submitted a copy of the same airline ticket to Nassua County for payment?

A Yes.

Q Did you ever tell anybody from the National college of District Attorneys that you had submitted the same airline ticket to Nassau County for payment?

A No, I did not, sir.

Q Didn't you think that that might be something they want to take into consideration abefore honoring your claim?

A No, I did not, sir.

Q You figured they would pay you regardless, right, Mr. Cahn? Is that your testimony even if they knew theCounty was paying they would have paid it , too?

A Again, you are assuming a state of facts that just didn't exist.

Q Did you think that if you told Bob Fertitta in any of these cases Nassau County was paying for the same airline ticket the National College was paying for Bob Fertitta would have said, "Okay, Bill, we'll pay you, too"?

A If I had told him that,I would think he would say, "Under what circumstances?"

Q Do you think if you told him, "While the County is payihg my air fare, everything, your check I'm going to cash and pay to the Nassau County informant"? Do you think Bob Fertitta would have said, "That's okay, Bill"?

A I wouldn't have told him that. That's not exactly what happened.

Q Your testimony now that you considered this informant the property of Nassau County, so to speak?

A Property of Nassau?

Q In a sense, wasn't or didn't you consider him to be a Nassau County informant?

A No, a District Attorney's informant, my

informant.

Q You were the District Attorney of Nassau County, right?

A Yes, sir.

Q With regard to the funds that came in from these outside entities, you testified that you considered these and treated them as county funds, right, rather than personal funds?

A That's right.

Q Did you ever tell anything to the contrary to anybody?

A Told them that it was told to me and I could have considered them from my investigation as personal funds, yes.

Q As a matter of fact you told the newspapers on several occasions that you considered these funds to be personal funds; isn't that right?

A No.

Q Didn't you tell -- it's not right?

A No.

Q Did you tell Jack Lehy from the New York Daily News on or about December 12th, 1974 that the Association expense money was for your personal use and that you oculd have kept it "as long as I paid income

taxes on it"?

A I wouldn't know Jack Lehy if I fell over him, Mr. Druker.

MR. DRUKER: Might this be marked for identification.

THE CLERK: Document marked Government Exhibit 66 for identification.

(So marked.)

BY MR. DRUKER:

Q I'll ask you to read the underlined portion of that quote, Mr. Cahn.

Did you tell that to anybody from any newspaper on or about that date?

A No.

Q Did you ever see that article before?

A I don't remember seeing it. It's possible that I did read it.

Q Did you call up the Daily News and ask them to rpint a retraction of it?

A If I didn't see it --

Q You said it was possible you did see it. Now, I am asking if you recall calling the Daily News for retraction? Either you do recall it or you don't.

A To call a newspaper, ask for a retraction?

Q Yes or no?

A No.

Q Were you interviewed by anybody from the New York Times on or about Sunday, February 1st, 1976, more specifically, George Vecsey?

A Yes, I know him.

Q Did you tell Mr. Vecsey, "Where is the crime? One payment was for expenses. One was income which you must report."

Did you tell him that?

A No, my attorney told him that.

Q In other words,if Mr. Vecsey attributes that to you, that's inaccurate?

A Yes.

Even for the New York Times.

Q Did you see the article?

A Yes, I did.

Q Did you ask Mr. Vecsey to retract it, tell him that might be -- it's not your position, you didn't want to have that used against you?

A Mr. Druker, that can't be used against me.

Q By the way -- It just was, Mr. Druker.

A Was it?

Q Did you report it on your income tax returns?

A No.

Q Mr. Cahn, shortly after the election, either just before or just after your successor took office, Mr. Dillon, didn't he ask you for the records relating to the payments for this informant?

A (No response.)

Q For Sam Houston?

A Yes.

Q Didn't you tell Mr. Dillon that these were personal records, that he was a personal informant and as a result you weren't going to turn them over?

A Oh, no.

Q What did you tell him?

A I told him --

Q My question is --

A The answer is no, I didn't tell him that.

Q What did you tell Mr. Dillon with regard to those records, Mr. Cahn?

A I told him that I had thought these were personal records of a personal informant but if he thought it important I would be more than happy to turn over the copies to him.

Q Didn't you tell him, didn't you refuse to turn them over? Did he tell you he was going to indict

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you for taking County records if you didn't turn them over?

A Absolutely false, Mr.Druker, no way happened.

Q Do you recall being interviewed by Special Agent Nicholas Tsotsos of the Internal Revenue Service?

A Yes.

Q Do you recall telling Special Agent Tsotsos the monies from these outside organizations was personal and that you should have reported it on your income tax return?

A No, sir.

Q You didn't tell him that?

A Not in those words, no, sir.

Q What did you tell him, Mr. Cahn?

A I told him from my investigation of the County law, County statute, and State law there would be no prohibition to that and of course one would have to be income if I kept the money and report it, but I didn't do that. I didn't keep the money.

Q If it was income you might or might not be entitled to an offsetting deduction if you paid it out to an informant; isn't that right, Mr. Cahn?

A No.

MR. BOGIN: I must object now. This calls

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for a legal conclusion of which the witness is unqualified.

THE COURT: He is volunteering, saying what his concept was of income.

MR. BOGIN: I submit he's now being asked to interpret the IRS regulation, that is beyond the scope of his ability.

THE COURT: I'll accept your limitation.

Q Do you recall being asked to produce these informant records by Mr. Thomas Puccio, Chief of the Criminal Division, United States Attorney's Office in late 1974?

A (No response.)

Q May the record reflect the witness nodded his head affirmatively.

A Yes.

Q Mr. Cahn, didn't you tell Mr. Puccio that you considered these to be personal records of a personal informant, that they weren't County property and that as such you weren't going to turn them over, initially?

A No.

Q You didn't tell him that?

A No.

Q Directing your attention to Government's 1, 2, 1-A and 2-A (handing to witness), those relate

generally to the trip to Chicago and San Francisco in November of 1974; is that right, Mr. Cahn?

A That's correct, sir.

Q It was County business, right?

A Yes.

Q Isn't it fair to say that Nassau County would have been willing, ready and able to pay your expenses on that trip?

A For the County business, yes, sir.

Q At any rate the County did pay for your expenses; is that right?

A (No response.)

Q Air fare, hotel room, other expenses?

A From New York to San Francisco, yes.

Q Then you submitted claims on behalf of yourself and Mr. Spinnato to the National College of District Attorneys for reimbursement; is that right?

A That's correct.

Q The certification which appears over your signature reads as follows, does it not:

"I hereby certify that the above, including attached documents is true and correct. If mileage is claimed, I certify that I was unable to obtain transportation with anyone else from my office due

tothe nature and circumstances of my official duties. I further certify that other funds are not available and I'm not receiving reimbursement from any other source."

With regard to that part about other funds are not available, you testified already that Nassau County wouldhave paid for your travel expenses on that trip; is that right?

A County business, yes.

Q We only incur one air fare no matter how many entities you go out to see, the County would pay it?

A For County business, yes.

Q Isn't it a fact or at least to your knowledge that the County would also pay for your informant, Nassau County informant?

A Absolutely.

Q So Nassau County then was ready, willing and able to pay both for your travel and for your informant, right?

A That's correct.

Q So then isn't it fair to say that other funds were available other than National College of District Attorneys or LEAA funds?

A No, it's not fair to say that.

Q You were receiving reimbursement from Nassau County for your air fare, were you not?

A No, I was not, not for that portion of the trip.

Q Didn't you bill Nassau County for the entire trip?

A Yes, I did.

Q You billed Nassau County for New York to Chicago to San Francisco to New York, right?

A That's correct.

Q That's the whole trip?

A That's correct.

Q The whole trip includes all the portions of the trip, doesn't it, Mr. Cahn?

A The whole includes all its parts.

Q So that the County was paying the same air fare for which you were charging the National College of District Attorneys or at least theportion of the trip that you charged the National College, right?

A Yes, the County was paying a portion of the trip, yes, sir.

Q So then your statement that you weren't receiving reimbursement from any other source wasn't true,

was it?

A It was true.

Q No one else was paying for your air fare from New York to Chicago --

MR. BOGIN: Your Honor --

MR. DRUKER: I'll leave that to the jury. I'll withdraw that question.

Q I take it that your answers would be the same with regard to Mr. Spinnato's documents, in response to the same questions?

A Absolutely.

Q That particular trip, you know that that was an LEAA funded proejct, did you not?

A I have no recollection of anybody telling me, but I would assume I did, yes.

Q Did you think it was one of the purposes of the National College's grant to pay for a Nassau County informant?

A No --

Q Assuming that's what you used the money for?

A I didn't use their money to pay the informant. I used their money to pay for the expenses of their portion of the trip.

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Q Didn't you testify Monday afternoon that when the checks came in from the National College of District Attorneys you had Gladys cash them?

You testified to that?

A That's correct.

Q Then you took the cash and you put it in a blue envelope marked S.H., in a private sealed place in your office, right?

A Private closet, yes.

Q When you travelled at some point you took that cash, paid it to Sam Houston; is that right?

A That's correct.

MR. BOGIN: I must object at this point. I believe the funds were received from the private agencies,in this instance went back to the County. I think that was the testimony originally and I think Mr. Druker --

THE COURT: Counts 1a nd 2 --

Q I am talking in general now --

MR. BOGIN: That was not the question, Mr. Druker.

A I understand you to be speaking in ganeralities this time, Mr. Druker, yes. In these instances the money went back to the County.

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Q This was a period when you were under investigation, was it not?

A (No response.)

Q November, 1974, was after the election, right?

A Yes, sir.

Q After this matter had come out into the public or out in the open, so to speak?

A That's what I'm -- when you say "under investigation" it's a rather harsh word. I don't know whether that's quite applicable.

I knew that the Federal Government was intereste and the controller was also interested.

Q Talking generally again, is it your testimony -- you did testify with regard to these funds those checks would be cashed, the monies would go into the envelope and it would be those monies which would physically go to the informant, right?

A That --

Q A check would come in from the National District Attorneys Association, let's say?

A Right.

Q You would have it cashed, right?

A Right.

Q Money would go into a blue envelope with S.H.

marked on it, right?

A (No response.)

Q Then sometime later you would travel, take some of that money with you, pay it to Sam Houston, right?

A That's correct.

Q So, physically, it was the money from the organization, from the NDAA that went to Sam Houston?

A No.

Q I'm not talking about whether you might have considered or thought it was --

THE COURT: You're asking an interpretation of facts. I don't think you need go beyond that.

Q You didn't switch the money at any time, ~~did you~~, Mr. Cahn?

A What do you mean "switch"?

Q The same money that went into the envelope after the check was cashed which would be taken out, put into your pocket and paid to Sam Houston, the same bills?

A Some of the money may have come from the National College. When I paid for the informant I may have used some of the money that was cashed at a time when I got a check from the Task Force. I can't tell you

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which dollar bill went to the informant at any particular time.

Q Didn't you keep the Sam Houston money separate?

A Sam Houston money was in a separate envelope, all in one envelope.

Q So if you were travelling and you decided you were going to take $500 along for Sam Houston, you would keep that separate from the possible $750 County advance that you had taken, wouldn't you?

A That's true.

Q When you met Sam you would take out the $500, give it to him, right?

A Sometime during the meeting, yes.

Q By the way, some of these dollar amounts are $368.68, for example, did you throw the odd change into the Sam Houston envelope?

A No, not all the time. If it was over fifty cents I would put a dollar and if it was under fifty cents I probably would keep the change and then make it up that way.

(continued next page.)

Q You heard Chief Spahr and Spinnato testified that you generally counted out the money in one hundred dollar denominations, the amounts you were paying to Sam Houston, one, two, three, four, five hundred dollars, and they witnessed it?

A Yes.

Q When did you have the small bills, the ones and the fives and the tens and twenties, changed into hundreds, Mr. Cahn, is that something you couldn't testify about?

A I would be glad to. The advance was given to me in $100 bills. If I take $1500 advance it usually was $1500 and I would take the money from the Sam Houston fund and change it from that particular advance.

Q Switch the little bills into the big bills?

A That is correct.

Q Now, Count 3 relates to the trip to Mexico City about March, 1974, does it not? Would you be good enough to read to the jury the certification that appeared above your signature on Government's Exhibit 3A?

A "Above information is true and accurate to the best of my knowledge and I am not receiving dual compensation."

Q And above that, the items that are referred

to, one was the date of departure from residence?

A Yes.

Q Then the date of return to residence?

A Yes.

Q And three, private transportation; four, public transportation, correct?

A Yes.

Q Five, taxi, limousine, parking; six, others if over one dollar attach receipt; seven, total transportation expense in big capital letters?

A Yes.

Q Nothing on there about salary?

A No.

Q Would it be fair to say the term compensation used thereon refers to the items above it?

A No, not in my judgment.

Q The word compensation refers to something outside of what is on the face of Government's 3A?

A Yes.

Q You feel that it is a reasonable interpretation, Mr. Cahn?

A I feel it is reasonable and proper, sir.

Q You billed the County ten dollars each way for transfers in Mexico, is that right, from the airport to

the hotel?

A Yes.

Q Weren't those transfers included as part of the $246 package?

A Not in that instance.

Q Are you sure about that?

A To the best of my knowledge, if it is there that's what I paid.

Q One thing, you testified -- correct me if I leave anything out -- with regard to the dual reimbursement situation, we have the National District Attorney's Association, is that correct, some of their funds were used, the claims were made against the National District Attorney's Association on trips in which the County was also claimed against?

A (No response.)

Q I am trying to get a list of the organizations that were involved, Mr. Cahn.

THE COURT: It's then the subject of testimony, I don't see any reason to go into it.

Q I am trying to find out if there are any others other than those discussed today.

MR. BOGIN: That would be improper cross

MR. DRUKER: The balance sheet there --

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maybe there are other organizations that might throw this out of kilter.

THE WITNESS: Maybe.

Q There was the National -- the NDAA, Task Force, the Center, I think you mentioned and obscenity Center, American Society for Industrial Security, Arizona County Attorney's Association, some society on juvenile delinquency, I think it was regarding a trip to Boston; any other, Mr. Cahn?

A I don't remember. Could be.

Q For one moment, with regards to the informant of yours, Sam Houston, who selected the name for him?

A (No response.)

Q I show you Defendant's Exhibit L. I think it is in evidence. I ask if that will help refresh your recollection?

Directing your attention to the last sentence in the third paragraph on the bottom of the page.

A Yes, it says he told me he would use the code name Sam Houston. I don't know whether it came about as a result of a mutual agreement or if I suggested it and he said, "Okay, I will use the name Sam Houston." I don't know.

Q Those are the fruits of the product of your dictation to Gladys fresh after your returning from the

meeting with Sam Houston?

A From the best of my recollection, yes.

Q On or about January 14th, 15th, whenever that purports to be in 1970, you dictated that to Gladys?

A Yes.

Q It would be the product of your then fresh recollection of your then recent meeting with Sam Houston?

A Yes, but it couldn't contain each and every individual word used, Mr. Druker. I could have said: What name are we going to use and I might have suggested Sam Houston and he could have said he will use the name Sam Houston.

Q Mr. Cahn, do you recall double billing Sam Houston State University at anytime along with Nassau County on one of your trips to Texas?

A Double billing?

Q Yes, sir.

A It's possible that the same procedure might have been used, I don't know.

Q It's not on the chart, is it?

A (No response.)

Q I show you this document -- may these two documents be marked as a group exhibit for identification?

THE CLERK: So marked Government's Exhibit 67

for identification.

MR. DRUKER: And may this group of documents be marked 67-A for identification?

THE CLERK: So marked.

Q I will ask you to look through 67-A and see if that refreshes your recollection as to whether or not you gave a talk or did consultant's service for Sam Houston State University in Texas back in June of 1973?

A Yes, I did. I remember giving --

Q You submitted a claim or claims to them for which you were paid among other things $300 honorarium, I believe your air fare, is that correct?

A I see checks in the amount of $213.28 and $300.

Q How about an airline ticket?

A I don't know. I don't see it.

Q How about the last page, Mr. Cahn, if you would?

A Yes.

Q What is the number on that airline ticket, if you would, on the bottom right hand side?

A 00682127713183.

Q I show you now Government's Exhibit 67 for identification and in particular the last page, and I wi''

ask you if you recognize that as being a claim which you submitted to the -- to Nassau County with relation to that same trip?

A Yes.

Q Didn't you submit to Nassau County a copy of the same airline ticket that you submitted to Sam Houston State University?

A It appears -- wait a minute.

Q Check it. Compare the numbers, if you would.

(Pause.)

A Yes.

Q That doesn't appear on the chart up there?

A No.

Q So that I guess -- the $19,484 figure would grow accordingly?

A Not -- as I said --

Q Or $19, 103.31, that column is inaccurate as it now stands?

A At this particular moment, without any further reflection, yes.

Q With regard to the check that was endorsed by you and Walter Woolens --

A Yes.

Q What did you do with that money?

A If it was a case of having both at the same time, I would have put it into the Sam Houston fund.

Q Do you have any independent recollection having put it into the Sam Houston fund?

A No, it would have been on that chart, if I had any independent recollection.

MR. DRUKER: Let me show these to -- I will show them to Mr. Bogin and Mr. Cahn and after that I will offer them into evidence.

MR. BOGIN: May we have a side bar?

(The following took place at side bar.)

MR. BOGIN: Mr. Druker is offering these as other similar --

MR. DRUKER: I will offer them as similar acts and also to show that these figures are not going to jibe when I am finished with cross-examination.

THE COURT: How long is your cross-examination going to be?

MR. DRUKER: Through tomorrow. I hope to conclude before the end of tomorrow.

MR. BOGIN: I withdraw any objection.

THE COURT: All right. Mark them.

(The following took place in open court.)

THE CLERK: Government's Exhibit 67 and 67-A marked in evidence.

(So marked in evidence.)

Q Now, Mr. Cahn, do you know John Cocoros, the Project Director out at Sam Houston State University?

A No.

Q In general terms, did you tell Mr. Cocoros or anyone from Sam Houston State University that Nassau County was paying for the same air fare for which you were billing their institution?

A (No response.)

Q Anything to that effect?

A I don't know, sir. If I don't know him I couldn't possibly have told him.

Q Do you have any recollection of it?

A No, I don't.

Q Mr. Cahn, showing you documents 4 and 4A in evidence, relating to a trip to San Francisco and also to Reno, Nevada back in 1971 --

A Yes.

Q You submitted a bill on that occasion for the room in Reno to the County, is that right?

A Yes, sir.

Q That is because you paid for that room, isn't it?

A Yes, sir.

Q Now, do you recall whether or not you were paying any complimentary meals while out there?

A No, sir. I wouldn't think so but it is possible. One meal, two meals.

Q I show you this document, see if this refreshes your recollection as to whether you were getting complimentary meals in Reno?

A No, it doesn't.

Q That doesn't refresh your recollection at all?

A No.

Q Isn't that your name, fourth from the top there, Mr. Cahn?

A Yes.

Q Did you ever hear of the Steak House at Harrah's?

MR. BOGIN: I must object. The witness testified he doesn't -- it doesn't refresh his recollection. We are now having an argument between Mr. Druker and Mr. Cahn.

THE COURT: No, he is trying to refresh his recollection.

Q Is that the restaurant at Harrah's?

A Yes.

Q Did you ever hear of an individual by the name of Lee Lauer?

MR. BOGIN: Mr. Druker, may I have your indulgence while I object?

This is not a document in evidence and Mr. Druker is trying by circumvention to place the contents in evidence.

THE COURT: No, he hasn't come to that point yet.

Do you know Mr. Lee Lauer?

THE WITNESS: Very well.

Q I ask you to read to yourself, if you will, two words in big letters at the top of the document and ask if that doesn't help refresh your recollection at all, Mr. Cahn?

A No sir, it does not.

THE COURT: All right.

(Continued on next page)

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Cahn-cross/Druker

Q By the way, that was for a Drug Conference out in San Francisco, was it not?

An LEAA Drug Conference?

A I am not sure.

Q I am showing you again 4 and 4A.

THE COURT: He testified yesterday it was a drug conference.

A This is what my letter indicates, yes.

I was informed that it was for a different purpose but my letter indicates drug conference.

Q You signed this, didn't you?

A Yes.

Q You dictated it to Gladys, didn't you?

A I presume.

Q "WC:GMM?"

A Yes.

Q Were you aware that was funded by LEAA?

A No, I wasn't. But I since found out it was. It wasn't a drug conference.

Q Your letter is inaccurate or incorrect?

A Yes, my letter is inaccurate and incorrect.

Q Mr. Cahn, going back for a moment, your first meeting with Sam Houston, according to your testimony, was on January 14th, 1970 or thereabouts?

A Yes, sir.

Q Isn't it a fact that you were seeking and received dual reimbursement --

MR. BOGIN: I object, your Honor. That is a conclusion which is certainly not demonstrated and it's for the jury to determine.

MR. DRUKER: I didn't finish my question.

MR. BOGIN: The use of the word --

THE COURT: I thought the question was whether or not it was dual compensation, not whether or not it was dual reimbursement.

MR. BOGIN: Same objection applies.

THE COURT: I will allow the question. The jury can determine whether the question is properly based on facts in the case.

Q Isn't it a fact you're having more than one entity pay for your travel expenses prior to January 14th, 1970?

A Not to the best of my knowledge.

Q It never happened?

A Not to the best of my knowledge.

Q You would know about it if you did it?

A You are talking about 1969, Mr. Druker, I don't remember deliberately or wilfully doing that.

Q Could you do it accidentally?

A That could always happen.

Q You might have accidentally sent a claim to the National District Attorney's Association on or about the day you sent a claim to Nassau County?

A That could actually happen, yes.

Q You might have acidentally dictated this other claim to your secretary Gladys?

A It doesn't seem logical to me but it could happen.

Q Now, showing you Government's Exhibit 50 for identification, 50-A for identification, which we stipulated for the record that if Mr. Patrick Healy were called to the stand he would testify that 50-A for identification is one of the pages out of the NDAA checkbook journal -- do you recall the check that those two documents revolve around?

A No.

Q Did you go to Houston, Texas on or about November 7th to the 9th of 1969?

A Yes, I did. According to the Government's Exhibit 50 and --

Q Mr. Cahn, that is the County Claim, 50 for identification?

A Yes.

Q Isn't that your signature on 50 for identification?

Q And above that, the items that are referred

A Yes.

Q With regard to 50-A, didn't you get a check from the National District Attorney's Association in November of 1969 for the very same trip?

A There is nothing here that indicates to me it's for the very same trip.

Q Do the last two numbers on each of the total amounts help to refresh your recollection at all?

A Which two numbers?

Q This and that and this and that. (Indicating.)

A No.

MR. DRUKER: I will offer these into evidence after showing them to Mr. Bogin.

MR. BOGIN: No objection.

THE COURT: Let them be marked.

THE CLERK: Government's Exhibit 50 and 50-A marked in evidence.

(So marked in evidence.)

Q Mr. Cahn, without going into a detail on the others which I believe are 47 through 50 in evidence, one of them which was related to a trip to Reno in 1969 and I take it you would agree the County paid your expenses and NDAA paid some of your expenses --

A No.

Q I think you testified to that on direct examination. Didn't you testify that the NDAA was paying for expenses you laid out for other people?

A For the entertainment of the individual.

Q Without running down all the documents, it is your testimony that the County and the NDAA weren't paid for the same expenses on that trip and with regard to the trip to Indianapolis in February of 1969, it is your testimony that if you billed the County and the NDAA for the same expense it was shee[illegible]stake?

A Yes.

Q It was your intention to prorate the expenses?

A Yes.

Q With regard to a trip in October of 1969, some emergency came up so that the payments by the two entities appeared for the same trip are really for two separate trips?

A Yes.

Q What was the emergency?

A Mr. Druker, I can't remember. It's 1969.

Q You remember that you had an emergency back in October of 1969 but you can't remember --

A I had an emergency a number of times.

Q You can't remember --

A It had something to do with the office. I had

to come back and then I went back.

Q Was there any document or anything that might help refresh your recollection as to what the emergency was?

A From 1969, no sir, I'm sorry. I don't have it.

Q You really don't have any specific recollection of any emergency, do you?

A I have a recollection of an emergency.

Q An emergency?

A Yes.

Q Now, you heard Chief Spahr testify when Sam Houston originally called you in January, 1970 you wanted to go see Sam Houston alone, is that right?

A Yes.

Q You didn't want Chief Spahr to go with you?

A No.

Q Weren't you at all worried that this might be a death attempt or somebody might be wanting to try to kill y ou?

A At the moment it didn't enter my mind.

Q Hadn't you been in police protection a number of times because of threats on your life?

A Yes.

Q You're sitting in your office in January, 1970

and the phone rings and someone tells you that he wants to meet you out in Roosevelt Field to be an informant and it is your testimony that it didn't even cross your mind it might be someone trying to kill you?

A You are asking me to reflect on my thought process back in 1970? I can't do that.

If you are asking me whether I now think I was stupid, yes.

(Continued on next page)

Q Back then it didn't cross your mind that it might be anything other than what he said it was?

A Back then when I spoke to him on the phone, he said something that rang true to me.

Q What was it?

A I don't remember.

Q Do you have Defendant's Exhibit L in front of you?

A Yes.

Q The activity sheet which records the conversations you had with Sam Houston at the meetings?

A Yes.

Q Would you tell the jury what it was that he said that whet your appetite?

A Over the phone?

Q Yes.

A Nothing reflected here.

Q Which number did he reach you on, by the way?

A (No response.)

Q Which of your telephone numbers, your private line or public line?

A Public line.

Q Didn't Gladys always screen calls like this?

A Yes.

Q In this instance, did she buzz you and say, Mr. Cahn, someone is on the phone?

A Mr. Druker, I don't even know if Gladys was at the desk at the time. It could have been the other secretary. I don't remember.

Q Weren't they told to screen calls carefully? You got a lot of crank calls, didn't you?

A A lot and Gladys did a tremendous job.

Q Every once in a while one would slide through?

A Just like that, Mr. Druker.

Q As best you can recollect, Mr. Cahn, what did -- I realize you can't recall the particular item that whet your appetite, what else did Sam Houston say on the phone?

A The phone conversation is very vague to me.

Q To the effect, Mr. Cahn, here is a tidbit, whatever, I want to be your informant, would you come out to meet me at Roosevelt Field?

A It wasn't as simple or perfunctory as that, Mr. Druker. I had been in the office for eight years and there was something about the manner in which this man spoke to me that I decided that I was going to take a shot and go see him.

Q Now, you did go out to see him, right?

A Yes, sir.

Q You testified, I think on direct examination, he gave you some pretty hot information and because you wanted to be convinced you weren't buying a pig in a poke, is that correct?

A Yes.

Q Was that information on the first page of Defendant's Exhibit L in evidence?

A Part of it.

Q "Big move on by the mob to take over restaurants a nd other businesses in Long Island?"

A Yes.

Q And Paul Vario was a prime mover in the Golden Dome Restaurant?

A That was part of it.

Q Mr. Cahn, did you regularly read Newsday or subscribe to Newday?

A (No response.)

Q The newspaper out on Long Island.

A Yes. At that time?

Q The office got Newsday?

A Yes.

Q And clipped out all the organized crime articles?

A Yes.

Q And kept special files on them?

A Yes.

Q Would it surprise you to learn that on December 23rd, 1969, there was an article in Newsday which stated exactly in substance what Sam Houston told you on January 14th, 1970?

A May I see the article?

Q Sure.

A Yes.

Q It was public knowledge Paul Vario was involved in the Golden Dome Restaurant?

A I don't know how public it was, that's why I told him at that particular time that he would have to give me more than that.

Q Take a look at the other article in front of you and see if that refreshes your recollection as to whether the State Investigation Commission had been having hearings relating to Paul Vario's interest in the Golden Dome?

A Yes.

Q Isn't it a fact, Mr. Cahn, that sometime in the Fall of 1974, you and Gladys and Joe and Charley sat down and made up what is Defendant's Exhibit L in evidence piecing it together by old Newsday articles?

MR. BOGIN: Objection.

THE COURT: OVerruled.

A Absolutely not.

MR. DRUKER: I offer these two articles in evidence, your Honor.

MR. BOGIN: Strictly on the basis of hearsay I must object to them.

MR. DRUKER: I am not offering them for the truth or falsity of their contents.

THE COURT: If they are offered for their bearing on the value of the information, I think they are within the issues and I will receive them. But this does not mean that the Newsday articles are accurate statements of anything that was fact.

MR. BOGIN: May we have a side bar?

THE COURT: Yes.

(Continued on the next page)

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(The following occurred at side bar.)

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MR. DRUKER: Your Honor, I'll represent, if necessary --

MR. BOGIN: Let me make my statement, Mr. Druker.

Your Honor will observe that there's no date other than that which is described by the Government's attorney.

That certainly will qualify this document at which point I decided a side bar. I can have no objection if Mr. Druker tests the witness' recollection, verbal inquiry as to whether he's familiar with the availability.

The document itself is certainly unqualified.

MR. DRUKER: Will Mr. Bogin stipulate I obtained these documents from Newsday pursuant to a subpoena served on Newsday and the representative of Newsday would testify the dates were placed on there by Newsday Morgue officials and the dates placed on these articles -- he would testify these are the dates on which these articles appeared in Newsday.

MR. BOGIN: I take no issue with that if

that's the testimony Mr. Druker offers.

I'm perfectly willing to accept that that would be the testimony without conceding the truth; however, I still maintain this is a hearsay document, no foundation laid for it.

No authoritative piece of information, a document qualified to be offered in evidence.

MR. DRUKER: I'm willing to represent to the jury these are not offered for truth of anything --

THE COURT: I told them that.

MR. CAHN: Nor is it in any way contradictory to anything offered in Defendant Exhibit L.

THE COURT: Not offered as contradictory, but bearing on the vlue of the informant's information.

MR. BOGIN: I submit my point of view, your Honor --

MR. CAHN: The value of the informant's information isn't in issue in this particular case. It's whether or not I paid him; whether I paid him $10,000 and his information was worth ten cents isn't the issue.

MR. DRUKER: Not the dollar value but the value, this was public knowledge the way the

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informant told it toMr. Cahn.

MR. CAHN: What difference --

MR. DRUKER: Bears on credibility.

MR. BOGIN: Perhaps, your Honor, will care to reserve his decision on this question, it being 4:35.

We will give it further consideration overnight.

THE COURT: Mark it for identification.

(Open court.)

THE CLERK: Copies of two articles marked Government's Exhibits 68 and 69 for identification.

(So marked.)

THE COURT: We are going to adjourn for the night now and resume at 10:00 o'clock tomorrow morning.

Meanwhile do not talk about the case amongst yourselves or anyone else. Do not read any newspapers about it or listen to anything on television or radio or talk to any of the people in the courtroom.

You are excused.

(Jury leaves courtroom.)

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THE COURT: So the jury can make plans to go back to work, I've told them through my Law Clerk we will not be sitting on Friday or Monday morning and probably not on Tuesday.

Since Mr. Cahn will be under cross-examination most of tomorrow, it's obvious we can't finish it this week. I would clear Friday if it were possible to do that but I don't think I can.

Monday, I've committed myself -- last February to this -- to sit in the Court of Appeals with Judge Kaufman.

Tuesday we have motions there so I will be out most of the day.

MR. DRUKER: We will or will not sit on Friday?

THE COURT: We will not.

MR. DRUKER: Next Wednesday morning --

THE COURT: No, we'll be sitting Monday afternoon as far as we can there. I'll see whether I can get back on Tuesday.

MR. NEIL CAHN: We will be sitting Monday?

THE COURT: Starting at 2:15.

I guess that's all I have. You are going

675 to have some witnesses after Mr. Cahn is finished -- how long is the defense expected to be?

MR. CAHN: We have certain other witnesses, your Honor. You just floored me.

I was under the impression we were going to adjourn from Friday until Wednesday. This is the first time I heard --

THE COURT: No, I mentioned, said Monday morning I would not be available. I'm sorry to have that long a break at any rate.

I think having the jury back here Monday afternoon to keep their finger in the case is quite important.

MR. BOGIN: If that's your Honor's determination, I must say that I also had the same impression and I might say I've made several appointments for Monday and Tuesday.

THE COURT: Shift Monday afternoon.

MR. DRUKER: I recall your Honor saying he was going to be sitting in the Second Circuit the mornings of Monday and Tuesday, and only the mornings.

THE COURT: I've got a message for Mr. Solomon wanting to know if he was excused.

A No.

675a He had a plane to catch. I told him he was.

(Time noted: 4:35 P.M.)

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MAY 21 1976
TIME A.M.
P.M.

677

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA, :

-against- : 75-CR-645

WILLIAM CAHN, :

Defendant. :

----------x

United States Courthouse
Brooklyn, New York

May 13, 1976
11:00 o'clock A.M.

B e f o r e :

HONORABLE ORRIN G. JUDD, U.S.D.J.

I hereby certify that the foregoing is a true and accurate transcript thereof by stenographic notes of this proceeding.

Official Court Reporter
U.S. District Court for the
Eastern District of N.Y.

SHELDON SILVERMAN
OFFICIAL COURT REPORTER

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Appearances:

DAVID G. TRAGER, ESQ.
United States Attorney
for the Eastern District of New YOrk

BY: JAMES DRUKER, ESQ.
-and-
PETER GOLDMAN, ESQ.
Assistant U.S. Attorneys

WILLIAM CAHN, ESQ.
Pro Se

-and-

NEIL CAHN, ESQ.
-and-
HAROLD BOGIN, ESQ.
Attorneys for Defendant

SS:JD 679 Cahn-direct

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MR . DRUKER: Your Honor, we have arrived at an understanding with regard to Government's 68 and 69 for identification, the newspaper article. It's going to be stipulated; Number one as to what a representative of News Day would have testified to regarding the date.

These articles are not offered for the truth or falsity of any of the contents therein. They are offered solely for the purpose of showing that these matters were, I guess, in the public domain - -

MR. CAHN: Where in the newspaper at that time?

MR. DRUKER: On the dates purported to have been in here.

Thirdly, the offer would be made, because there are strenuous matters prejudicial or are not relevant, I'm going to read to the Jury the portions which we agreed are relevant. If for any reason the Jury would like to see the exhibits, we'll have those portions retyped or take whatever else out.

MR. CAHN: That's perfectly agreeable.

MR. BOGIN: We have several character witnesses. Druker,Might we have a brief side bar on the related matter?

THE COURT: All right.

(Side Bar)

MR. DRUKER: I think with regard to the civil suit Mr. Cahn has pending against myself and some other government officials, I think the Government's answer was due either Friday or this coming Monday. The Government intended to move for similar judgement. Since we're in the criminal trial and since this is something that has been of interest to the news papers, we would like to ask if Mr. Cahn has no objection to waiting until one week after the conclusion of the trial so the government could file its answer.

MR. NEIL CAHN: No objection to that. Your Honour.

MR. DRUKER: Thank you, sir.

(Open Court)

THE COURT: Bring in the Jury.

Good Morning Ladies and Gentlemen. We are ready to proceed. We are going to interrupt Mr. Cahn's cross examination for some other defense witness. Mr. Neil Cahn, are you going to examine them.?

MR. NEIL CAHN: Yes, Your Honor.

D O N A L D E. S A N T A R E L L I, called as a witness, having been first duly sworn by the Clerk of the Courts testified as follows:

THE CLERK: Full name.

THE WITNESS: Donald E. Santarelli

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Santarelli, what is your present occupation?

A I'm a lawyer.

Q Could you tell us a little bit about your background?

A My most immediate background before becoming a private practising lawyer a year and a half ago was in government service. I was administrator of the law enforcement assistance administration until August of 1974.

Q When you say administrator - - first of all, that's the H.E.A.A.?

A L.E.A.A.

Q What is the job of administrator?

A Well, it's chief of the agency.

Q For the United States?

A Correct.

Q Would you go on, please.

A Before that, I was associated department attorney general in the United States Department of Justice for four years.

Before that, I was counsel to the United States Congress, Senate Committee, the Judiciary and the House Committee

on the Judiciary.

Before that, I was an assistant United States attorney, prosecuting crime until cases of the U.S. Department of Justice.

Before that I was in law school.

Q Mr. Santarelli, do you know the defendant William Cahn?

A I do.

Q How do you know him?

A I first met Mr. Cahn when he was the District Attorney for Nassau County in 1967 when I was counsel to the United States House of Representatives Committee on the Judiciary. At that time we were conducting a congressional review of wire-tapping allegation and proceeding to enact a Federal wire-tapping suit. Mr. Cahn was very helpful to the Committee and to Congress and I was responsible for having his appearance.

MR. DRUKER: Your Honor, I think that the character witness is supposed to testify about reputation, rather than specific instances, if I'm not mistaken.

THE COURT: I think that's right. The extent to which he has known him without detail and the extent to which he's known other people who know him.

MR. NEIL: I was trying to get the general roll, relationship between the two, how he came to know him.

THE COURT: Yes.

Q Would you briefly - -

A I knew him in the context of the work we did in enacting the Federal wire-tapping suit. He was involved in assisting the Congress in that effect.

Q You've had dealing with him since that time in 1967?

A Confidentially. After serving as Congressional Counsel and became official in the Department of Justice, my responsibilities on behalf of the Department of Justice were laison with the National District Attorneys Association and in that regard Mr. Cahn was clearly one of the leaders of the National District Attorneys Association and one of the primary persons with whom I dealt during the four years I held the job of assistant deputy.

Through that time I worked closely with him on a variety of projects, closely, it wasn't just a casual relationship.

Q Over the past eight or nine year period have you had occasions to discuss Mr. Cahn's reputation in the community for truthfullness?

A Yes.

Q Do you know that reputation?

A Yes.

Q What is that reputation?

A One of truthfulness.

Q Mr. Santarelli, I show you Government's Exhibit 59, which is entitled "Guideline Manual, Financial Management for Planning and Acts Grant of the Law Enforcement Assistance Administration" and with particular reference to exhibit 59A, 59B and 59C, which are marked with paper clips and with red lines, I ask you to read those regulations to yourself.

(said document handed to the witness by Mr. Neil Cahn)

Q Mr. Santarelli, during your tenure as head of the E.E.A.A., did you have occasion to know of or read those regulations.

A I had occasion to know of them, generally.I don't believe I ever read them specifically.

Q When you say you know of them generally, what basically do you mean by that?

Generally aware of the fact there are regulations and guidelines with respect to the grant and administration and particularly with respect to allowable and non-allowable costs, but not in precise detail. It was not the the nature of my administration for me to involve myself in the details of

administration.

Q As head of the L.E.A.A., is it your testimony that you did not know the specification of these regulations?

A That's correct, under specific grant of authority, administrative enforcement and regulatory detail were granted on paper to the deputy administrator whose statutory function was created to perform those services, leaving the administrator to deal with other issues of a broader nature, generally policy and liason with the States and local government, and not administrative detail. I'm not precisely familiar with those regulations and probably never looked at them before.

MR. NEIL CAHN: I have no further question.

MR. DRUKER: I have no question.

THE COURT: Youre excused.

THE WITNESS: Thank you, your Honor.

(Witness excused)

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T R E V O R L L O Y D H U G H E S , called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

THE CLERK: Full name.

THE WITNESS: Trevor Lloyd-Hughes.

THE COURT: You may be seated, Mr. Lloyd-Hughes.

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Mr. Lloyd-Hughes, what is your present occupation?

A A police officer.

Q With what Police Department?

A Metropolitan Police, London, New Scotland Yard.

I'm a detective chief inspector.

Q Would you tell us a little bit about your brackground?

A I have been a police officer for the past 23 years, working in the army and the last 19 years in the Metropolitan Police in London, based mainly at Scotland Yard itself.

I've been a detective for the last 17 years.

Q Do you know the defendant William Cahn?

A Yes, I do.

Q How do you know him?

A I know him from working very closely with him since 1967 in various cases, the first one being in '67, following a letter -- an application, by him for Scotland Yard assistance in a matter respecting organized crime in Nassau County and involving London, and when the letter arrived, I, with other officers of the Criminal Intelligence Branch, was detailed to assist and before that assistance was given proper antecedent inquiries were made mainly through the United States Embassy in London, in the form of the senior legal attache, Mr. John Minick (ph.) of the FBI, and following the most satsifactory antecedents we obtained from that time on, we have worked closely with Mr. Cahn.

Q Over the past -- since 1967 --

A Yes.

Q -- you have had occasion to work with Mr. Cahn in matters involving, in an official capacity, involving London and Nassau County?

A Most certainly, sir, on many occasions.

Q Could you go into those occasions?

A Certainly. The first occasion was in '67 relating to organized crime.

I do not think it is proper to go into the

details to be frank with you, sir, unless the Court --

THE COURT: I don't want details. We want enough to give the Jury a background on your acquaintance with him, with other people who know him.

MR. NEIL CAHN: Your Honor, with respect to that, there has been many trips to London and Europe.

THE COURT: You may ask about a specific trip, but I don't think I want to hear about details of investigations that were conducted.

MR. NEIL CAHN: That I'm not asking for.

THE WITNESS: The first one, as I said, involved organized crime; running briefly through the other ones, an international homosexual ring involving British nationals; drug importation into Nassau County involving British nationals, in fact, the sone of a rather highly placed British national; other matters of a more educational nature, visits to London where the home office Prisons Department, the Director of Public Prosecution, our Courts were visited, Scotland Yard itself, as a law enforcement gency, was visited, and there were other occasions, too.

BY MR. NEIL CAHN:

Q Over this nine-year period, have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A I most certainly have, sir.

Q Do you know that reputation?

A That reputation is of absolute truthfulness.

MR. NEIL CAHN: No further questions.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Sir, is it Inspector Lloyd-Hughes?

A Detective Chief Inspector, sir.

Q Chief Lloyd-Hughes, first of all, did it enter into any of your discussion about Mr. Cahn's reputation for truthfulness any of those discussions, did it come up or did you hear Mr. Cahn had gone to Government witnesses in this case or prospective Government witnesses and trial to get them to falsify their testimony on his behalf?

A I never --

Q Did you hear that at all?

A I never heard that and if I had, I would never have believed it.

Q Did you hear or did it come up in any of

these conversations that Mr. Cahn had gotten free hotel rooms and free airfare fromvarious travel agents or hotels, and subsequently he had submitted false invoices to various entities causing them to pay for these claims?

A I have never heard anything like that, sir.

Q Go ahead.

A You're absolutely right, sir, I would not believe that.

Q Nothing could prove it to your satisfaction; is that right?

A No, it couldn't, sir, short of Mr. Cahn saying, "Yes, I did such a thing," which would be unbelievable.

Q As long as Mr. Cahn said, "No, that's not true," there isn't any evidence in the world to convince you otherwise?

A The inquiries I have made, sir, and I have been a policeman ta long time, the answer is I would not believe that.

Q By the way, if I'm not mistaken, weren't there some 13 Scotland Yard inspectors indicted for bribery charges in the last 13 years?

A No, sir.

Q Were there any?

MR. NEIL CAHN: Objection.

A I don't know of the specific number of officers --

MR. NEIL CAHN: Objection.

THE COURT: Wait a minute. There was an objection.

I will overrule the objection in view of the recent answers.

Q There were some?

A Sir, there are twenty-one --

MR. NEIL CAHN: I don't quite understand the question at all, unless it's an insult upon Mr. Lloyd-Hughes.

MR. DRUKER: In no way.

THE COURT: The objection is overruled.

A My answer to your question, sir, is there are 21,000 officers in my force. There are, of course, a few naughty officers in every force, and occasionally, they are probably dealt with, yes.

Q Wasn't there recently some sort of -- again, I don't intend this as an aspersion -- Government officials including in the Justice Department get indicted from time to time, it happens, but it does happen that

inspectors, from time to time, get indicted from Scotland Yard; isn't that right?

A Not necessarily Inspectors; an inspector is one rank out of nine.

Q Officers.

A Officers.

THE COURT: The basis of the objection wasn't presented to me -- an indictment doesn't prove anything.

The fact they're indicted doesn't prove anything.

Q Were any of them convicted?

A On occasions, over the years, officers of the Metropolitan Police, sir, have been convicted.

Q Have you known any of them personally?

MR. NEIL CAHN: Objection.

THE COURT: Overruled.

A Yes, I think I knew one once, yes.

Q Prior to, three or four years prior to his indictment and subsequent convictions, did he have a good reputation for truthfulness in the community in which you worked?

A I didn't hearn that well. He's not somebody that I made inquiries about as I did, of course, of Mr. Cahn.

Q In any event, sir, you don't have any personal knowledge with regard to the facts of this case, do you?

In other words, two things: One, you don't know personally whether or not Mr. Cahn was using the United States mails to defraud various associations across the county?

A I don't know it and I certainly don't believe it.

Q Secondly, I take it you don't know and you don't believe and wouldn't believe Mr. Cahn was submitting false certifications to various federally funded organizations around the country; is that equally right?

A My serious answer to you, sir, without being flippant is, I do not believe it.

MR. DRUKER: Thank you, sir.

MR. NEIL CAHN: No further questions.

THE COURT: Thank you.

(Witness excused.)

THE COURT: You are still under oath, as you are undoubtedly aware.

THE DEFENDANT: Yes, sir.

THE COURT: Proceed, Mr. Druker.

694 Cahn - cross

WILLIAM CAHN, called as a witness, having been previously sworn by the Clerk of the Court, resumed the stand and testified as follows:

MR. DRUKER: If your Honor please, at this time, relating to Government's 68 and 69, counsel for the Government and counsel for the defense have stipulated as follows:

1. That a representative of Newsday, if called to the stand, would testify that the dates which are placed on these articles are the dates on which these articles appeared in Newsday, and that these articles were kept and maintained in Newsday files as ordinary business records of the newspaper.

Secondly, it is stipulated between the parties that these documents are in no way offered for the truth or the falsity of their contents. They are offered solely to show these articles appeared in Newsday on the dates which are represented therein.

There is absolutely no intention whatsoever as to whether or not the contents are true or false.

THE COURT: Is that right, Mr. Bogin?

MR. BOGIN: That is a correct stipulation with

one further addition, your Honor; that is, the ruling in this case, that is in respect to these exhibits will not form precedent to the offer of similar exhibits at a later time.

THE COURT: I will rule on each offer separately.

MR. DRUKER: Understood.

In that regard, I'm going to read from Government's 68 -- first I will ask these be marked into evidence.

THE COURT: Mark them.

MR. DRUKER: With regard to the portions designated.

THE CLERK: Government 68 and 69 marked in evidence.

(So marked.)

CROSS-EXAMINATION

BY MR. DRUKER (Cont'd):

Q Reading from 68 in Evidence, "A lawyer for the Fugid Restaurant Corporation, which runs the Golden Dome Restaurant, 1 Bridge Plaza, Atlantic Beach, had contended that the records were needed for its defense in a license revocation hearing now pending before the Authority.

"The Authority has charged that the corporation's

president, Sidney Fordin, 47, of 1398 Park Street, Atlantic Beach, allowed Cosa Nostra figure Paul Vairo to hold a secret interest in the restaurant which allowed after-hours liquor sales and allowed narcotics sales."

That article is dated December 23, 1969.

Mr. Cahn, would you agree with me that that matter of Paul Vairo's holding a secret interest in the Golden Dome Restaurant was a matter of public record two or three weeks before Sam Houston told it to you?

A No, not the actual fact.

I would agree that that appeared in the newspaper, but as a fact, no, sir, I cannot agree, because I cannot know.

Q Sam Houston didn't prove it to you, did he, as a fact? He just told you that Paul Vairo was into the Golden Dome; right?

A He told me that and I told him he would have to do better than that with information.

Q You testified yesterday that this was the information that he gave you that assured you that you weren't buying a pig in a poke, didn't you?

A No.

Q You didn't testify to that?

A May I see the defendant's exhibit?

(Document handed to the witness.)

Q I'm directing your attention to the fourth paragraph down in particular, Mr. Cahn?

A May I read the paragraph?

Q I think the first two steps are what relates to this.

A If --

Q Mr. Cahn, you will have an opportunity on redirect.

Now, I'm asking you to read those two.

MR. BOGIN: Might I interrupt, if the Court please?

The witness is asked to read a portion of the exhibit and the exhibit is in evidence.

I submit he has a right to read as much of it as will be relevant to this question.

THE COURT: He was asked a question and I thought before responding further you wanted to read the exhibit -- he wanted to read the exhibit for itself, I don't think reading lengthy excerpts to the Jury are appropriate at this time.

Q I have no objection to you reading as much to yourself for now.

I'm referring to the portion which says, "He

informed me that there was a big move on by the mob to take over the restaurant and other businesses in Long Island.

"He also told me Paul Vairo was a prime mover in the Golden Dome."

This was number one public knowledge, wasn't it?

A You see --

Q At least alleged publicly?

A It was stated in a newspaper article in December. I tell you that.

Q And Sam stated it to you in January?

A If I may be permitted to finish my answer, Mr. Druker --

THE COURT: Go ahead.

Q Go ahead, Mr. Cahn.

A It was stated in a newspaper.

A newspaper article is not evidence insofar as a public prosecutor is concerned. This is much further evidence, but not the kind of evidence upon which I would rest a case. That's why I'm telling you I said he would have to give me more than that.

Q Did he give you any documents, Mr. Cahn?

A He gave me nothing at that time.

699 Cahn - cross

Q You were convinced that he did convince you you weren't buying a pig in a poke?

A That helped convince me I wasn't buying a pig in a poke and I hadn't bought anything.

Q From Government's 69 in Evidence, I'm reading and I -- I will go back.

"The State Liquor Authority is holding hearings in an attempt to revoke the license of the Golden Dome Restaurant, 1 Bridge Plaza, Atlantic Beach, in connection with an indictment filed against the corporation and its president, Sidney Fordin, 47, of 1398 Park Street, Atlantic Beach.

"Fordin, who the Authority charges allowed Cosa Nostra mobster Paul Vairo to hold a secret interest in the restaurant, has been indicted on perjury, criminal possession of stolen goods and liquor law violations by a Nassau Grand Jury."

That article is dated January 13, 1970.

Mr. Cahn, weren't you aware at that time, on January 14th that the State Liquor Authority war holding public hearings and that it was charging that Paul Vairo was a hidden principal in the Golden Dome Restaurant?

A No doubt about it.

Q So it didn't come as a surprise to you when

Sam Houston passed on this bit of information; right?

A No, but the specificity --

Q The answer is no?

THE COURT: Let him finish.

A (Continuing) No, but the specificity of the information which he gave me may have come as a surprise to me.

Q Which part is that, Mr. Cahn, about Paul Vairo being a prime moverin the Golden Dome?

Would you take your time, point it out to the Jury?

A Nothing in this paragraph which deals with specifics.

Q He told you other things which arent included in here?

A Many other things that weren't included in any of this, yes.

(Continued on next page.)

Q Now, as a matter of fact, Mr. Cahn, going back even earlier to June of 1969, hadn't you given the State Liquor Authority evidence that Paul Vario was connected with the Golden Dome Restaurant?

A I don't remember. It could be.

Q Do you recall giving an interview with a Carl Renner of Newsday on June 2, 1969, in which you told Mr. Renner that the Golden Dome had been identified as a mob front by your office, and that you had referred evidence against the Golden Dome Restaurant to the State Liquor Authority for possible revocation of their license; do you remember that?

A No, I don't. But it's entirely possible.

Q I show you this document and ask you if this refreshes your recollection, in particular the portion in the lower right-hand quadrant underlined in red.

A What is your question?

Q Had you given evidence to the State Liquor Authority -- well, first of all, did you give that interview to Carl Renner of Newsday?

A Personally?

Q Yes.

A Probably not.

Q How about Mr. Levy, Chief of your Rackets Bureau?

A No Assistant was permitted to talk to an officer of -- but Mr. Davis may have, who was the public relations officer.

Q You would give it to Mr. Davis, who would prepare a press release, and then who would give it to Mr. Carl Renner?

A This is possible. But the accuracy of the reporting is in no way --

Q Was this particular excerpt accurate insofar as your investigating the relationship of Vario and the Golden Dome Restaurant, and then turning over some -- certain evidence to the State Liquor Authority, was that accurate?

A The fact that evidence was turned over to the State Liquor Authority is accurate, yes.

Q All right. Now, Mr. Cahn, going back again to roughly June 1969, you had indicted Sidney Forden on twenty-four counts of perjury relating to Paul Vario's purchase of an undisclosed interest in the Golden Dome Restaurant; hadn't you?

A The grand jury indicts.

Q Yes. Right.

Well, the grand jury has to have evidence presented to it first; is that right, Mr. Cahn?

A Yes. I always thought so.

Q So then, is it fair to assume that if Mr. Forden

was indicted on twenty-four counts of perjury relating to Mr. Vario's -- related to his falsely testifying about Mr. Vario's undisclosed interest in the Golden Dome, you must have had evidence that Mr. Vario had an undisclosed interest in the Golden Dome.

THE WITNESS: Your Honor, may we now have a side bar?

THE COURT: All right.

(The following took place at the side bar.)

THE DEFENDANT: On the basis of this question, I ask for the withdrawal of a juror and the declaration of a mistrial by the very indication --

MR. DRUKER: Can we keep our voices down?

THE DEFENDANT: The very indication that the question of Mr. Druker indicates that the -- because that it was a grand jury indictment, evidence of guilt is presented to a grand jury. And I think -- no matter whether it applies to Mr. Forden, Mr. Colombo or Mr. William Cahn, that that kind of testimony -- that kind of question before a grand jury is highly prejudicial.

MR. DRUKER: Your Honor, I think it's quite clear that in the context that these questions are asked that that is not the indication. And moreover,

I think the grand jury has been instructed --

THE COURT: Yes. This is just a trial jury.

MR. DRUKER: The trial jury can be re-instructed that an indictment is not evidence; that a much lower standard is in the grand jury which finds probable cause; and that that doesn't even mean that they were correct in that finding.

These questions -- I think the Court can see what this is about.

THE COURT: Yes.

MR. DRUKER: Trying to establish that Mr. Cahn did have evidence and that is why the indictment --

THE DEFENDANT: Your Honor, I submit that the question should be repeated right here. And I submit to you that where an individual's civil rights -- his entire life is at stake, a question like this is highly prejudicial and there is no way that that kind of inference can be erased in the minds of this jury.

THE COURT: Well, I think it's related to the assertion that a statement that Paul Vario had an interest in the Garden Dome was sufficient to let you go through the usual procedures to deal with this informant.

THE DEFENDANT: Your Honor, I have absolutely

no quarrel with the fact about Paul Vario's interest in the Golden Dome or somebody's indictment. But the question which was asked of me now indicates to this jury without a doubt in my mind -- and I ask your Honor to read that question -- that if a grand jury indicts, there is evidence of guilt.

And if it applies to Paul Vario, if it applies to Sidney Forden, it must of necessity be in the minds of that jury that Mr. Cahn --

THE COURT: Of course, a grand jury can't indict without evidence of guilt.

THE DEFENDANT: I am sorry. I take issue with your Honor. Have not indictments been dismissed because there has been no evidence of guilt?

THE COURT: Very rarely.

THE DEFENDANT: I am sorry, your Honor. This is a -- this is a common practice.

THE COURT: How often did it happen while you were District Attorney?

THE DEFENDANT: How often? Your Honor, I'd be a wealthy man if I asked for $10 every time it happened.

MR. BOGIN: It's a good analogy.

THE COURT: All right.

(End of side bar.)

(The following occurred not in the hearing of the jury.)

THE DEFENDANT: Your Honor, I --

THE COURT: I deny the motion.

THE DEFENDANT: I take exception.

THE COURT: Yes.

(The following took place in the hearing of the jury.)

THE COURT: Now, ladies and gentlemen, the inquiry about the Nassau County indictment is not intended to change the rule I told you at the beginning that a man who has been indicted still has the presumption of innocence and that it is no evidence against him.

I am allowing the question because it bears on the extent to which the conversations or the information described as having come from a man named Sam Houston may have been something that Mr. Cahn knew all about beforehand, which I think is the Government's contention.

MR. DRUKER: Yes, your Honor. Thank you.

THE WITNESS: Then may I answer the question?

Q Yes, sir.

A Is that the purpose of your question, Mr. Druker?

Q I will tell you. It's been a while since I asked the question. Let me rephrase it.

Did your office present evidence to a grand jury to the effect that Paul Vario had purchased an undisclosed interest in the Golden Dome Restaurant?

A My answer, from my recollection, would be yes. I did not personally present the evidence, but I will accept that. I knew what this information with Sam Houston gave me at the time.

Again, that's why I said he will have to do better than that.

Q Did he subsequently give you hard evidence of Paul Vario's alleged ownership of the Golden Dome Restaurant; yes or no?

A Mr. Druker, I am trying to -- I don't remember, to the best of my recollection.

Q All right. In other words, none that you can recall.

A I don't recall exactly what he gave me at that time. I don't remember what came afterwards.

Q Is it fair to say, then, that he might have, but you can't recall any specifics?

A That's a fair statement.

Q That's your testimony.

I think on that same day, Mr. Houston also told you that an -- and I am quoting from Defendant's L in evidence.

"There is trouble brewing between the mobs." And then he wasn't more specific but stated that people were going to get killed."

Is that right?

A He may have been more specific. This was my resume of what I remember him saying.

Q Doesn't it say he wasn't more specific?

A That's correct.

Q Are you testifying now that he may have been more specific than you -- that you have erroneously --

A No. If I put down he wasn't more specific, but stated that people were going to get killed, then he was not more specific.

Q That didn't come as any surprise to you, either, that there was unrest in the mob at that time; isn't that correct, Mr. Cahn?

Weren't there a number of killings prior to that and around that time that Sam Houston told you that?

A Oh, for quite some time.

Q Frank Mari?

A What?

Q Frank Mari, M-a-r-i. Does that refresh your recollection?

A I don't know that he was killed. I thought he was listed as missing. Correct me if I am wrong. He was missing, wasn't he?

Q He was missing, and wasn't he presumed to have been killed in law-enforcement circles? The informant's information was all to the effect that he and a Michael Adamo had been killed; isn't that right, Mr. Cahn?

A Our information --

Q Is it correct or is it incorrect?

THE COURT: He is trying to answer.

THE WITNESS: Our information, Mr. Druker, indicated that they were missing. And we didn't have information that they were killed. We may have presumed it, but I don't think we had any information that they were actually dead. I am not sure unless you can show me something to refresh my recollection.

Q Okay. I will show you this.

MR. DRUKER: I ask that this be marked for identification.

THE CLERK: Two-page document marked Government's Exhibit 70 for identification.

(So marked.)

Q Does this refresh your recollection on that, Mr. Cahn, showing you Government's Exhibit 70 for identification?

A Yes.

Q And wasn't it a fact that back in late 1969 the police had intelligence information at least to indicate that Frank Mari and Mike Adamo had been murdered?

MR. BOGIN: May I --

THE WITNESS: No, sir.

MR. BOGIN: May I interrupt? I suggest we are getting into collateral issues quite far afield from the core of the question, and that this would therefore be improper cross-examination.

MR. DRUKER: This would relate to information which is contained in Exhibit L in evidence. In fact, in May of 1970 --

THE COURT: Well, there should be a limit as to how far you should go. This seems to me to be within the area. I will overrule the objection.

Q It was in the front page of Newsday, or at least an article that the cops suspected that these people had been killed, right?

A Well, suspicion and knowledge are two different things.

Q I agree.

A And our information was that they were missing. We have spent a great deal of time looking -- whether the police or District Attorney suspected murder is not the evidence upon which we proceed -- or I hope not, that I proceed on things. But I don't know, Mr. Druker, in reference to your other exhibit that referred to some specific case.

Q Mr. Cahn, maybe --

A I am not finished.

THE COURT: Let Mr. Cahn finish.

THE WITNESS: But in reference to this statement that you asked me about, he also informed me that there is trouble brewing between the mobs. He wasn't more specific, but stated that people were going to get killed.

If you are talking about the fact that these people were killed, then this is not the particular instance to which he was referring.

THE COURT: All right, next question.

Q Are you finished, Mr. Cahn?

My question is, now, hadn't you heard whether or not it was true or false? Hadn't you heard that Frank Mari and Mike Adamo had been killed prior to the time that Sam Houston told you that he had heard that Frank Mari and Michael

Adamo had been killed.

MR. BOGIN: Objection. That is --

THE WITNESS: Pardonme. He never told me that.

MR. BOGIN: Mr. Cahn, will you --

Q That they would --

MR. DRUKER: I am sorry. I will withdraw the question.

Q Hadn't you heard that Mike Adamo and Frank Mari were dead prior to the time that Sam Houston told you they were dead in May of 1970?

MR. BOGIN: There is no testimony, if the Court please, that he was told by Sam Houston that these people were dead.

(continued next page)

THE COURT: I presume, Mr. Druker is relying on something in this exhibit which is in evidence. I have not read the exhibit.

Is there something --

MR. DRUKER: Yes. Defendant's L in evidence.

May, 1970, he told us that he knows we have a grand jury looking into the disappearance of Mari and Adamo. He said Mari is dead and he would try to find out about Adamo later, although he is also certain that Adamo is dead (gave him $500).

THE COURT: Well, you move down from January to May without Mr. Bogin being aware of it.

I overrule the objection.

MR. BOGIN: That's quite so. That is not the subject matter of the previous testimony. And I am confused about it.

THE COURT: Well, the exhibit is in evidence as a statement of Mr. Cahn's dealings with the informant. And it may be the subject of cross-examination.

MR. BOGIN: Fine.

THE WITNESS: Mr. Druker, now may I answer your question?

Q Yes.

A All right. He never told me that they were dead

at that particular time. And we were investigating their disappearance. In May of 1970, he called up with the information that Mari is dead and he would try to find out about Adamo later.

That was the whole purpose of Sam Houston and many of the other informants that we had to --

Q Mr. Cahn, I think you are going outside the --

A I don't believe so.

THE COURT: I think you have answered it.

Next question.

MR. DRUKER: All right.

I would like to offer this into evidence with the understanding that it's offered neither for the truth or falsity of its contents --

MR. BOGIN: May I? I have to look at it.

MR. DRUKER: I will show it to Mr. Bogin.

MR. BOGIN: May we have a side bar?

THE COURT: Yes.

(The following took place at the side bar.)

MR. BOGIN: This is the article, your Honor. This gets close to the problem that I see confronting us, notably that these represent an interview or statement of fact relating to Mr. Cahn --

THE COURT: Yes.

MR. BOGIN: Relating to Mr. Cahn and relating to his statements.

MR. DRUKER: I will exclude those from the offer.

MR. BOGIN: May I be permitted to continue?

The author of this article is available to the Government if they chose to bring him in. He could be interrogated as to the material in this article. Certainly, the probability of misquotations or misinterpretations by a lay individual of the -- stating a legal fact is not properly admissible in evidence at this time.

THE DEFENDANT: Now, may I say to you at this time -- he asked me in reference to this -- he also informed me that there is trouble brewing between the mobs and he asked me about this question. In no way -- there isn't one scintilla of evidence that this particular newspaper article involves -- but stated, were going to get killed. If this is -- if this happened --

MR. DRUKER: You are talking about the notation where it says -- where Mari is dead and he would try to find out about Adamo.

THE COURT: I am going to let you read the first paragraph. I don't think you want to get into all the

rest.

MR. BOGIN: Presently, the way I see it --

MR. DRUKER: May I read the headline caption?

THE COURT: Yes.

MR. DRUKER: Thank you.

(End of side bar.)

THE COURT: Mark it in evidence in part. I am going to permit Mr. Druker to read the first paragraph and the headline and the names.

MR. DRUKER: Thank you, your Honor.

THE CLERK: Government's Exhibit 70.

MR. DRUKER: Again, with the same understanding regarding what a Newsday representative will testify to as to the fact that this is offered in no way for the truth or falsity of any of the contents.

THE COURT: Yes.

MR. DRUKER: The article is dated September 27, 1969, and the headline or caption on it is, Cosa bosses vanish; cops suspect murder.

And the article refers to Frank Mari and Michael Adamo. Mineola, Nassau mobster identified as the new boss ofwhat was formerly the Joseph Bonanno crime family, has disappeared with his top adviser in what Cosa Nostra watchers think may be the beginning

of new round of violence within mob ranks.

And if I may --

(Whereupon, Mr. Druker confers privately with Mr. Neil Cahn and Mr. Bogin.)

MR. DRUKER: Your Honor, there is one other sentence that I would like to read that I think is relevant.

(The following took place at the side bar.)

MR. DRUKER: Just this portion, deleting the word, closely -- just that the two men may have been -- this is hit, contract, murder order.

MR. BOGIN: I don't think that is within the concept of your Honor's ruling. Your Honor is intending to offer just the paragraph.

MR. DRUKER: I agree.

THE COURT: Suspect --

MR. BOGIN: He already said that

MR. DRUKER: All right.

(End of side bar.)

Q Now, Mr. Cahn, you have Defendant's L in evidence before you, do you not?

A Yes.

Q Looking at the entry on page 4, dated June 30, 1971, which reads, met with Sam Houston, Joe and Charley in

Reno. Asked Samabout the Clarence Carter policy ring. He informed us that he heard of Carter and there is a mob connection between Carter and the mob, but he didn't know Carter too well. Sam informed us that the problem was tolerating these black gambling operations because they did not want to get into a fight about it. (Gave Sam Houston $1,000 as promised.)

Now, Sam Houston -- did Sam Houston tell you the information that is contained in that entry?

A Yes, sir.

Q And that would have been on or about or possibly shortly before June 30, 1971; right? Doesn't specify the exact date?

A Uh-huh.

Q Now, Mr. Cahn, isn't it a fact that prior to that date, Clarence Carter had been arrested bothby your office and by federal authorities in a -- in a well-publicized gambling case on a number of occasions?

A Yes.

Q And further, that he was connected up inthe newspapers to John Franzese, I think -- and other organized crime figures?

A Yes. I believe so.

Q All right. So that this wasn't any novel

information when Sam told it to you in June of 1972, is it?

A It is not what we asked him.

Q Excuse me?

A It is not what we asked for.

Q He didn't tell you anything more than you had read in the newspapers or had in your own files?

A That's correct. But we weren't asking him for that information.

Q In other words, he -- the answer is yes, he didn't tell you anything more than what was asked, that was covered --

A The answer is --

THE COURT: Let him complete the answer.

MR. DRUKER: All right.

THE COURT: What were you asking him for?

THE WITNESS: The reason tha the mob was tolerating the other mob in that particular field -- and if there was a purpose in it, and if there was a tie-up --

Q And he didn't tell you any --

A Yes.

Q He didn't say here that he didn't know Carter too well?

A That's correct. But he also -- as you read this,

the mob was tolerating these black gambling operations because they didn't want to get into a fight about it.

Q Now, this new information, you didn't know that or hadn't heard it before?

A That's correct.

Q And you paid him $1,000?

A Oh, for that information?

Q My question was, did you pay him $1,000 then?

A On that particular time, but not for that information.

Q Mr. Cahn, I think that question calls for a yes or no answer.

THE COURT: No, I will let it stand.

Q Now, on September 30, 1971, you met with Joe and Sam -- I am reading from Defendant's L again -- in Los Angeles on September 28 after driving from Anaheim. Sam informed us that there is now a big push by the mob into the pornography field. L.A. is their base, but they are operating throughout the country. And he has heard, but would have to check further, that there is a big shot in Nassau who is involved.

Now, was this pretty good information that he gave you?

A This was corroboration of information that we were receiving at this particular time.

Q It was published in the newspapers and also your files, that the mob was going into pornography, was well-known prior to that, wasn't it, Mr. Cahn?

A We suspected the mob into pornography and obsenity. We didn't know the base of operations, the center of operations or the method of operations.

Q Did you read the Newsday article by Carl Renner on October 20, 1970? I will show it to you and ask you to take a look at it.

A I don't know whether I read it or not.

Q Well, it was public information, wasn't it, the mob was moving into pornography, and names of -- lots of mob people from Long Island were named, right, Mr. Cahn?

A No. It's just the headline. Talked about stores.

Q What does it say?

A Mob links to pornography stores.

Q All right. That's the pornography field or part of the pornography field.

MR. BOGIN: That's argumentative, your Honor.

MR. DRUKER: All right, I will withdraw it, your Honor.

Q Now --

MR. DRUKER: Your Honor, I am going to offer this for the same -- with the same restrictions and

understandings.

MR. BOGIN: No objection.

MR. DRUKER: Thank you.

THE CLERK: Article marked Government's Exhibit 71 in evidence.

THE COURT: Again, the understanding is -- just to spell it out -- it is offered not for the truth of what is stated, but it is in evidence of what may have been public knowledge before the conference with Mr. -- the interview with Mr. Sam Houston.

MR. DRUKER: Understood, your Honor. And I am not going to read the article. But the article is dated October 20, 1970. The title is Mob Links to Pornography Stores. And then the last paragraph names a lot of names and gives a lot of addresses both in Manhattan and Long Island. I think that is sufficient.

Q Now, Mr. Cahn, directing your attention to page 6 of Defendant's L in evidence, top of the page where it says, February 20, 1973, met with Sam Houston and Joe in San Francisco on February 12th. He informed me that there was a Charles Tatum dealing in narcotics and Ralph Brady dealing in narcotics, but they had no relationship to each other.

Was this new information to you then, Mr. Cahn?

A This, I don't remember.

Q Well, would it refresh your recollection if I suggested to you that as far back as December --

MR. BOGIN: May I interrupt once again? If Mr. Druker is going to testify, I am afraid I have to object.

MR. DRUKER: I am not testifying. I am simply going to mention --

THE COURT: Do you have something to show him?

MR. DRUKER: I can show it to him, your Honor. But it's easier if I paraphrase a portion without referring to what this is.

THE COURT: All right.

(continued next page)

2/3
JB:m

MR. DRUKER: I think I can do it in proper fashion.

THE COURT: All right. Then it's overruled.

Q Would it refresh your recollection if I suggested as far as -- as far back as 1972 your office and federal agents worked in undercover cases against Charles Tatum, and which resulted in the purchase of heroin and an arrest of Mr. Tatum? Does that refresh your recollection?

A What date?

Q Going back to December of 1972, your office had this investigation under way.

A And resulted in what?

Q And that it resulted in about -- on or about March 12, 1973 -- in the arrest of Mr. Tatum on heroin sales.

MR. DRUKER: May this be marked for identification?

THE COURT: Yes.

THE CLERK: One-page article marked Government Exhibit 72 for identification.

(So marked.)

MR. DRUKER: Thank you.

Q Mr. Cahn, I will ask you to read to yourself the underlined portion in Government's 72 for identification and see if that refreshes your recollection as to

whether or not some three months or two months before Sam Houston told you about Charles Tatum you were conducting an investigation into Mr. Tatum's activities?

A That could very well be.

Q Did you read Government's 72 already?

A All I needed to read in Government's 72 was the date of March, '73, which is after February of '73.

THE COURT: No.

Q Mr. Cahn, I think you ought to read it to yourself.

THE COURT: Mr. Druker's question is whether the article refreshes your recollection that the investigation began in December of '72.

THE WITNESS: Oh, I see what you mean. I am sorry. Yes.

(Continued on the next page.)

SS notes

SS#3
fg JB

Q So you knew about Charles Tatum months before Sam Houston told you there was a Charles Tatum dealing in narcotics; isn't that right?

A That's correct.

Q So that information wasn't novel or singular in any way, was it, Mr. Cahn?

A I don't know what you call novel or singular. It was in corroboration of information which we already had, yes, but it was not public knowledge.

Q Mr. Cahn, I'm going to show you now Government's 12, 12A, in evidence. I'll ask you to take a look at those. I think probably I should show you 12B while I'm at it (handing to witness).

First of all, that was a trip, was it not, undertaken by yourself and Mr. Spinnato on both County and NDAA business, right?

A I don't think Mr. Spinnato had anything to do with the NDAA.

Q The NDAA business was in Minneapolis, St. Paul, was it not?

A Yes.

Q You went there and Mr. Spinnato didn't go there with you; is that right?

A That's correct.

Q So you went from New York to San Francisco to Reno, to San Francisco, to Minneapolis, St. Paul, back to New York; isn't that right?

A Yes.

Q Mr. Spinnato had the same stops omitting Minneapolis, St. Paul?

A Yes.

Q I'll ask you to look at 12B and tell the jury isn't it a fact the additional stop in Minneapolis, St. Paul for you only added $32 to the cost of your airline ticket. Mr. Spinnato's was $440 without that stop, yours was $472; isn't that right?

A Yes.

Q Directing your attention to 12A, which is your letter to the National DA's Association, you charged the National DA's Association $202 for that leg of the trip, Mr. Cahn?

A I charged the NDAA air fare from New York to St. Paul and return.

Q But you didn't go from New York to St. Paul to New York, did you, Mr. Cahn?

A I went from New York to San Francisco, Reno, San Francisco and St. Paul.

Q So you didn't incur any $202 expense on that

trip, did you?

A Yes, as part of the air fare.

Q The County paid for your entire air fare, isn't that right?

A That's correct.

Q The County paid $422 for your entire air fare?

A Yes.

Q NDAA paid you $202?

A That's correct.

Q From New York to St. Paul to New York?

A That's correct.

Q We agree you didn't fly from New York to St. Paul to New York, as earlier described?

A We agree.

MR. DRUKER: Might I circulate these to the jury, your Honor?

THE COURT: Yes, the same rules. The jury is to look at them, stop looking when there are things going on that you should be listening to.

(Said documents handed to the jury by Mr. Druker.)

Q I'm showing you Government's 14 and 14A in evidence (handing). Those relate, do they not, to a trip to Los Angeles and/or Anaheim, California, in late September,

1971.

A Yes.

Q The letter, which is 14A in evidence, is that the letter that you dictated to Gladys to send to the National District Attorneys Association?

A Yes.

Q Reading from the first paragraph of this letter, which is addressed to Patrick Heelan,

"Dear Pat, As I told you, the International Chiefs of Police did not pick up the tab for my trip and speech before the association. I thought they were going to pick up the hotel bill, but they didn't do that either. Following are my expenses," and you list the air fare, the meals, gratuities, car rental, and the hotel, right, Mr. Cahn?

A Yes.

Q Didn't you think it might be relevant to tell Mr. Heelan that Nassau County was paying for your air fare, your meals, your gratuities, your car rental and your hotel?

A No, sir, for the same reasons as expressed before.

Q I'm showing you now Government's 15 and 15A in evidence (handing to witness).

Those relate to a trip, do they not, to Las Vegas and San Francisco early November 1971?

A Yes, sir.

Q That was on both NDAA and Nassau County business; is that right, Mr. Cahn?

A Yes, sir.

Q You submitted a claim to the NDAA for certain of your travel expenses, which they paid? Is that right?

A Yes, sir.

Q More specifically air fare, hotel rooms, meals and gratuities, right?

A Yes, sir.

Q In that claim, as part of that claim to the County, didn't you submit a letter to Mr. Angelo Roncallo, the County Comptroller?

I'll show you that letter to see if it refreshes your recollection (handing document to the witness).

A Yes, sir.

Q In that letter, don't you explain to Mr. Roncallo that the reason why a hotel bill was made out in your name, care of the National District Attorneys Association was simply so that you could get a better rate?

A Yes, sir.

Q And that you were saving the County money

thereby?

A Yes.

Q You submitted a claim for that hotel bill to the county, right?

A The--

Q Which was paid?

A I didn't submit a claim. I submitted a claim to the County in order to replenish the prosecution fund.

Q You submitted a claim which said "Hotel," reimbursed you pursuant to that claim, right, Mr. Cahn?

A That's correct.

Q In that letter did you tell Mr. Roncallo the National District Attorneys Association had paid for your hotel?

A There was no need to, no, I did not.

Q My question isn't whether there was a need.

A Pardon?

THE COURT: He said he did not.

THE WITNESS: I said I did not.

Q The NDAA had paid for your hotel room, right?

A (No response).

Q I'll show you 15A in evidence (handing.

A Oh, no, I misunderstood your question. I paid for the hotel room.

for the hotel room.

Q Then the NDAA paid you?

A That's correct, yes; it wasn't complimentary.

Q No question about it. You paid it and the NDAA paid you; is that right?

A That's correct.

Q Then you sent a letter to Mr. Roncallo, or sometime in the intervening period, right?

A And the address on the bill was National District Attorneys Association, and that particular matter was questioned by Mr. Roncallo's office, and that was the result of my letter to Mr. Roncallo.

Q Didn't you think that as a result of Mr. Roncallo's inquiry that he might want to know what the National District Attorneys Association had paid for this hotel room?

A I knew--

Q Or had paid you already?

A I knew he wouldn't want to know from my previous conversations with him.

Q The earlier conversations that you testified to?

A Yes, sir.

Q Mr. Cahn, without going into a whole lot of

detail, from time to time when you would be traveling in either Reno, Nevada or Las Vegas, you cashed checks, wouldn't you?

A Yes, $1,000, $1500.

Q Is it fair to say over the course of 1970 to 1973 or '4 that you cashed $10,000-odd worth of checks? Right?

A From 1970 through 1970, yes, that would be a fair -- of checks that I cashed, yes.

Q Right.

What was the purpose of these checks for $500, $1,000, $1500?

A To use part of it as gambling, and to, in some way, show the appreciation for the complimentary rooms which I was receiving from various places.

Q You would cash a check to show them appreciation?

A Yes, I would. I guess you could put it that way. Mr. DeLauer, to whom you previously referred, was in charge and through his good offices the rooms, first my room was complimentary and thereafter those men who accompanied me were complimentary, and sometimes there were four rooms that were complimentary, and there had to be some evidence of gambling, and we intended to gamble.

I did it that way.

Q That's going back a little bit, originally back to 1969 and '70. nothing was complimentary in Reno.

A Maybe a meal or so.

Q Then around 1970 or early '71 they started to give you complimentary food, but not room; is that right?

A No, as I said during that period of time, maybe a meal or so would be complimentary. My room would be complimentary.

Q Then there came a time when everything was complimentary, right?

A (No response)

Q Everything except personal incidentals, if you bought something in the store. I'm talking about room and board and shows, right?

A Yes, there were times that that happened and there were times when the rooms were complimentary, but the incidentals were not.

Q Is it your testimony that you would cash these checks so that they would think that you were gambling heavily and continue the complimentary rooms?

A Not heavily, because I don't think the amounts involved at that time were heavy gambling, even if the checks, full valued amount. I was going to gamble,

so I cashed the checks. Each time you asked me a question yesterday, that check would have to be covered when I got back to the office because there was not funds in my checking account for that.

Q Sometimes -- Sometimes you wrote those checks and you didn't have the money in the bank to cover them, right?

A I would say in each instance that I wrote a check of that amount I did not have in that particular account the amount to cover the check. It would have to await my return to New York and I would immediately deposit it or send it through the mail or postal order of some kind.

Q You'd write a check and then while you were out in Reno you would send money back to New York to cover it?

A Not all the time. That may have happened once or twice.

Q Sometimes didn't you have Gladys send you money to help you either cover checks or to get checks back out there?

A (No response)

Q On at least one occasion, referring to July, 1973, a trip that was to New Orleans?

A There was one occasion when there was a trip

that lasted two weeks instead of a week and a check was drawn on the prosecution fund, not for gambling, for official purposes, which was sent to me. There may have been other occasions through the years that I got the money. I don't know.

Q Let's take a look at Government's 16 and 16A in evidence, which relate to a trip to San Francisco, Reno, Chicago, and Houston in February of 1972, Mr. Cahn.

A O.K.

Q I'll further show you Government's Exhibit 60A, B and C in evidence (handing to witness).

On that trip you took $1,000 cash advance from the prosecution fund, didn't you?

A (No response)

Q I'll show you this check, which is Government's 21A in evidence, to further help refresh your recollection (handing to witness).

I'm sorry, that number, that's an inaccurate number.

A Yes, sir.

Q You took that $2,000 cash advance, right?

A Yes.

Q That trip extended from when to when?

A February 10th to the 23rd, around the 23rd.

Q First of all, are you able to tell from looking at Government's 16 in evidence -- and we'll assume you paid cash for everything while you were out west -- can you tell how much that trip cost you?

A $1702.04 is what I put in, apparently.

Q Assuming that you paid for everything in cash then the advance was how much less than what it cost you?

A $702.04.

Q On February 11th, 1972, you cashed a check in Reno for $1,000, didn't you, Mr. Cahn?

A Yes.

Q So that would now put you $300 ahead, so to speak?

A Ho, ho. No, sir.

Q What was that check for, if you recall?

A My personal check, my personal moneys and moneys for the County were never mixed to the very best -- after twelve and a half years I couldn't swear that happened each and every time. There were, to the best of my knowledge, no times when I mixed my personal moneys, whether I cashed them or whether I took it with me. I never mixed those. I have two wallets which I always carry. When -- I might, if I may, explain this. If I took $1,000 as an advance and for one reason or another used an American Express card to

pay for a bill, let's say for $300, $300 came from that advance and was put into another section of my wallet as if it never existed. It's not there any more.

If I cashed a check, whether it would be for $10 or $1,000 for my personal use, that would be in my personal wallet, this wallet (indicating). That money would be used for my personal expenses. The only times these moneys were used in an advance were for county purposes.

Q Let's see if I understand.

THE COURT: I'm not sure what question you're answering, Mr. Cahn.

Q At any rate, you would be out in Reno, let's say, and you'd have in the one pocket a wallet. You would have your county advance, right?

A Yes, sir.

Q And in another pocket or wallet you would have your personal cash, right?

A That's correct.

Q And in a third pocket or wallet you would have your American Express [illegible]pe or wallet--

A No.

Q When you paid for something in American Express--

A Put it into a section of my wallet.

Q Let's see if I have this right. For example, if you paid a hotel bill, $366 by American Express card, it's your testimony that you would then take $366 out of the one pocket and transfer it to the other pocket or envelope?

A That's correct.

Q And you wouldn't touch it?

A That's correct, unless an absolute emergency came up. Then I would touch it, but I tried not to.

Q So you might be out there writing checks, cashing checks when you didn't have funds in your account, but yet you would have money, sufficient cash in your pocket that you wouldn't touch; is that right, on occasion?

A Let's see if I understand your question. I would have personal moneys with me?

Q Sometimes you might have money, might have paid for a hotel room with an American Express card for $300. Tuck $300 into your American Express envelope and on the same trip you might cash a check for $300, knowing that you didn't have sufficient funds in your bank account in Nassau County.

A That's correct.

Q But you wouldn't touch that American Express $300?

A Not for personal purposes, to the best of my knowledge or whenever I possibly could avoid it.

Q What was that $1,000 for, that you cashed the check for on February 11th, Mr. Cahn?

A In Reno?

Q Yes, sir.

A I would presume part of it was used for gambling.

Q I'll show you this document (handing) and ask you if you didn't cash a further check for $1,500 on the same trip on February 19th, 1972.

A Eight days later.

Q Right.

What was that check for, Mr. Cahn?

A Money was sent, again, back -- Mr. Druker, do you have my (indicating) bank statement for this month, please?

Q For--

A February.

Q This is what you're looking for, Mr. Cahn (handing to witness)?

A Do you have a better copy?

MR. DRUKER: I might have the original somewhere.

THE WITNESS: May I check?

THE COURT: Surely. You and Mr. Bogin might find it.

THE WITNESS: I think I know where it is.

(Witness leaves the stand.)

THE COURT: It's 11:30. We'll take our morning break.

The jury is to be back to the jury room. Don't talk about the case. Take the exhibits with you and look at them and bring them back in.

(The jury leaves the courtroom.)

(Recess.)

THE COURT: Bring in the jury, please.

(The jury enters the jury box.)

(Mr. Cahn resumes the stand.)

Q Mr. Cahn, you have before you now your original statement from the months in question.

A Yes, on February 11th in Reno, check for $1,000 was cashed. Then I started on this trip and knew that it was going to take me much longer than apparently I anticipated, and I sent back $1,000 to Nassau County to deposit it in my account to cover the check, and it was deposited on February 14th, 1972.

When I got back I think I testified I went

from San Francisco, Reno, Chicago, Houston -- yes -- when I got back on the 19th I cashed another check on February 19th, 1972, and when I returned -- I may not have returned. I may have sent that back to cover that check on February 22, 1972.

Q Let's go back a moment, Mr. Cahn.

The first check you cashed was $1,000.

A Right.

Q Then you testified you sent $1,000 back to Nassau County to cover that check?

A Yes.

Q Why bother cashing a check if you're using the money to mail it back to cover the check?

A I wasn't going to cash a check to use the money to cover the check; I expected to be back into Mineola to cover the check at that particular time. I was going to use it, but I wasn't back in time to have that check clear properly so, knowing that, I sent $1,000 back. I had it. I didn't lose it. I didn't win. I may have won. I shouldn't say that. I may have won.

Q You cashed a check for $1,000?

A Yes.

Q Then you sent $1,000 back to Nassau County to cover the check, right; is that correct?

A No, not the very same day.

Q A day or two later?

A Maybe the 13th, maybe the 14th.

Q Then on the same trip you cashed a check for $1500. When you got back it's your testimony--

A I may have sent that back, too. I may have not been back in time.

Q You may have cashed one for $1500, sent it back to cover it?

A If I expected to be away, yes, as the statement shows.

Q To save time, would it be your testimony that this was your general practice with regard to the remainder of those $10,000 worth of checks you cashed in Reno?

A What?

Q Without going through them, in all the instances you would send them back to Nassau County?

A That was not the general practice. The general practice was to deposit the coverage when I returned. That was the general practice.

Q If there were two or three instances in which the money was deposited while you were away, it would be because you sent it back, right?

A Sent it back or perhaps somebody took it back.

I have no direct recollection of just how the money got back, but it got back in order to cover it because I wanted the check covered.

Q I'm showing you now Government's 17 and 17A in evidence (handing). Do those relate to a trip to San Juan, Houston and Phoenix, taken by you on May 13, 1972 or thereabouts?

A Yes.

Q That stated trip, at least, was in part the subject of Munoz' and Mr. Carisquillo's and Mr. Solomon's testimony, right?

A Yes.

Q It was your understanding, in fact in writing before you went down there that your room was going to be complimentary, isn't that right?

A Not only my room, but--

Q Elliot Golden?

A Elliot Golden. As it said -- I was definitely under the impression that the room was going to be complimentary and--

Q In other words, yes.

A Full complimentary.

Q Full complimentary. By the way, that's the same Elliot Golden who testified here yesterday or the day

as a character witness, isn't that correct?

A Yes, sir, that's correct.

Q When you left the hotel in San Juan, Puerto Rico, you didn't pay anything for the room, correct?

A Correct, sir.

Q And from that day on until at least today you didn't pay anything for that room; is that correct?

A That is what I just testified to, yes.

Q Government's Exhibit 17, you submitted a bill or a statement for that room to Nassau County, in support of your claim; is that correct?

A That's correct.

Q And Nassau County paid you for the room; is that correct?

A That's correct.

Q And where did that money go, Mr. Cahn?

A This money?

Q Yes, sir.

A I would say into the Sam Houston fund.

Q Did you ever tell that to anybody before?

A Excuse me, it did not go to Sam Houston's fund.

Q Where did it go?

A It went to the prosecution fund as such.

That had-- There was no dual reimbursement. It had nothing to do--

Q It's not-- There's no contention this was a dual reimbursement.

A No.

Q The only thing I'm asking if you caused the County to pay for a hotel room that was in fact never paid for.

A Mr. Druker, I say to you the County paid for this hotel room which was never paid for. I think I said that. I owe the county -- not only for my bill, but Mr. Roberto and Detective McGee, but not at the time I submitted the bill. I didn't realize that.

Q So then you would agree that you owe the County at least the amount of the room, and a couple of hundred dollars, right?

A More, a couple of hundred dollars was for my hotel bill and Mr.Spinnnato's. I think there's another hundred some odd for Mr. Roberto and Mr. McGee.

Q That money goes to Sam Houston, right?

A No.

Q I show you now Government's Exhibit 20 and 20A in evidence, Mr. Cahn (handing). I'll ask you do those relate to a trip to San Francisco, California, in February

10 to 18 of 1973 or thereabouts.

A Yes, sir.

Q You submitted a claim or a letter to the National District Attorneys Association for reimbursement of certain expenses.

A Yes.

Q Also, you submitted a claim to Nassau County which on its face, I think you would agree, contains some of those same items for which the NDAA paid?

A Yes.

Q In your letter to Mr. Heelan, and he was another official at the NDAA, was he not?

A That's correct.

Q In your letter to Mr. Heelan, part of the 20A in evidence, you state do you not, "Dear Jim, Enclosed find the expenses for Joe Spinnato and myself for the drug conference. Please make the entire amount of the check payable to me since I laid out all of the funds."

A Right.

Q Nassau County had paid the travel agent for the airline tickets, the $872, hadn't it? Take a look, if you will, at the second part of your claim on the prosecution fund (handing to the witness).

A Yes.

Q So you hadn't laid out any funds for $872 air fare, had you, Mr. Cahn?

A Yes, through the prosecution fund, yes.

Q Mr. Cahn, had you personally laid out $872 or any portion of that $872 for your air fare for that trip?

A Of my money? No, no, never did.

Q You didn't tell Mr. Heelan, did you, that Nassau County had paid the travel agent for the airline tickets?

A That's correct.

Q Didn't you think he might be interested in knowing that before he sent you a check which included $872?

A No, sir.

MR. DRUKER: Might these be passed to the jury, your Honor?

THE COURT: Yes.

(Said documents handed to the jury by Mr. Druker.)

Q I'm showing you Government's 23 and 23A (handing to the witness). This was a trip, was it not, April 3rd to the 15th, 1973, or thereabouts to Chicago, Illinois?

A Yes, sir.

Q Mr. Cahn, you testified yesterday, I believe,

or Tuesday, possibly, that the check which you received from the NDAA was repaid by you or so you thought to Nassau County by depositing it into the Sam Houston Fund; is that right?

A Yes, sir.

Q In fact, it's listed up here on the chart, $198.83, isn't that right?

A Yes, sir.

Q Mr. Cahn, take a look at the back of that check.

A Yes, sir.

Q Isn't it a fact that you deposited that check to your bank account without cashing it?

A No, I cashed it and deposited it in my bank account.

Q You cashed it and deposited it?

A Yes.

Q Doesn't it say, "For Deposit Only"?

A I cashed it and put the check into the bank account.

Q Mr. Cahn, when you endorse a check "for deposit only," isn't that something you're depositing into your bank account?

A No question, yes.

Q So the check went into your bank account. It didn't go into the Sam Houston fund, right?

A But I cashed the check. I did, this time. I took the $198.83.

Q What did you do with it?

A And put it in the Sam Houston fund.

Q Let's start from the time that check came in. What did you do with it, step by step, if you will.

A I couldn't give you a step-by-step description, no, I couldn't.

Q First, one of the first things you did was to mark "for deposit only," wasn't it?

A Yes.

Q And then you sent the check to your bank?

A Yes.

Q So the money went into your bank account?

A Yes.

Q So it didn't go into the Sam Houston envelope, right?

A Not this-- not the cash of this particular check except as it came from me. Instead of having the bank cash the check and bringing me the money, I cashed the check. I took $198.

Q From where?

A I had $198, Mr. Druker.

Q And 98 cents?

A And whatever it was.

Q So you took it and you put it into the Sam Houston envelope, is that your testimony, and the check went into your bank account?

A (No response)

Q You were asked about that on Tuesday afternoon, Mr. Cahn. Didn't you testify that you had the check cashed and you put the money into the Sam Houston envelope?

A Yes, I probably did.

Q If you said that, it was incorrect?

A It was incorrect.

Q You're mistaken?

A Probably one of the very few occasions when that happened.

Q When what happened? That you were mistaken?

A No, that I took the money and deposited it.

Q Mr. Cahn, I'm showing you now Government's 25, 25A. I'll ask you to take a look at these (handing to the witness) and those deposits relate to a trip taken by you, do they not?

A Yes, sir.

Q On Nassau County business?

A Yes, sir.

Q And other business, right?

A And the business of the National District Attorneys Association.

Q I show you also 25B, that being the records from the ATS Travel Agency. I'll ask you how much your air fare was on that trip from New York to San Francisco to New York.

A (No response)

Q Possibly a County claim, in that regard.

A I'm looking at it that way. 387 -- 384.27.

Q $387, roughly, right?

A Yes.

Q I'm showing you 25A (handing to the witness). You charged the National District Attorneys Association $436 for your air fare, didn't you?

A Yes, according to that letter I did.

Q Did you dictate that letter to Gladys?

A Yes.

Q You signed it?

A I signed it.

Q You got the check pursuant to it?

A Yes, I did.

The check went into the Sam Houston fund.

Q Did you think that if the NDAA knew your air fare had been only 387 they would be willing to give you $436 to put into the Sam Houston fund?

A $436, yes, they would have as first class, absolutely.

Q Even though you didn't fly first class?

A I can't believe that, but even though I wouldn't have flown first class, they would have paid first class, yes.

Q But this says, doesn't it, "Enclosed below are a list of my expenses."

A Yes.

Q It doesn't say this is what a first class airline ticket would cost. Doesn't it state this was an expense that you had?

A May I see the letter?

Q Surely, take a look at all three of them.

A "Enclosed below are a list of my expenses, Round Trip, First Class to San Francisco, $436."

Q You didn't fly round trip first class to San Francisco for $436; did you, Mr. Cahn?

A Mr. Druker, I can't believe it. If I didn't, they would have paid first class. I don't remember flying to San Francisco coach as long as I have been District Attorney.

If I-- Just let me look. I just-- It says -- I'm sorry--

Q Night first class--

A Just a moment.

Q You took a night flight, right?

A Just a moment. Do you have the original? This isn't clear.

Q Mr. Cahn, all I have are the exhibits. You have your travel agent's records here with a clearer copy of the ticket.

A That would be better. I flew first class at night and it was lower. In any event, they would have paid that and gladly.

Q That was a Juvenile Justice conference?

A That's what the letter says.

Q Was that pursuant to an LEAA grant, do you know?

A No.

Q By the way, do you recall going to Reno, Nevada, on that trip? On the Wednesday and Thursday, the 10th and 11th?

A If you show me the records to refresh my recollection.

Q Here's your County claim, Mr. Cahn, see if it refreshes your recollection.

A If I went to San Francisco and there was no hotel bill, the claim would not reflect it but I could have gone to Reno.

Q Do you recall seeing Paul Anka in Reno on that trip?

A Who?

Q Paul Anka, A-n-k-a.

A I never saw Paul Anka in my life.

Q Do you recall being at Harra's on that trip?

A It's entirely possible. If I was there and Paul Anka was there, I didn't see him.

Q I'll show you these records to see if they refresh your recollection as to whether or not you were in Harra's on the 10th and 11th.

A Yes, I was.

Q Complimentary room?

A Room is complimentary and nothing was submitted to the County on the hotel room.

Q Mr. Cahn, my question is, you received a complimentary room at Harra's?

A Yes, sir.

Q And food?

A I see something here about $10.12. If I ate there, maybe. If I ate there for $10 or bought somebody a

drink for $10 I got that.

Q Your County claim doesn't reflect any two-night stay in Harra's in Reno, does it, to show San Francisco, right?

A That's correct.

Q It shows meals in San Francisco on the 10th and 11th for Mr. Cahn, Mr. Spinnato, Sergeant Lang, and three or four witnesses, depending upon the date for $130 or $150 per day, isn't that right, Mr. Cahn?

A No, it doesn't show meals in San Francisco; it shows 10th and 11th meals for Mr. Cahn, Spinnato, Sergeant Lang, four witnesses; 11th, meals, Mr. Cahn, Mr. Spinnato, Sergeant Lang and three witnesses.

Q It doesn't say what city you're in?

A No, that's correct.

Q Of course, you have a hotel bill attached to that claim from the San Francisco Hilton, don't you, Mr. Cahn?

A That's correct.

Q An $85 a day room?

A Yes.

Q That shows that you were in San Francisco on the 10th and 11th, right?

A The rooms were mine on the 10th and 11th, yes.

Chief Spahr testified to that, too.

Q I'm asking you now.

A Yes, I'm confirming that.

Q So that all the documentation submitted by you to the County would show that you were in San Francisco on the 10th and 11th on County business, right?

A Yes.

Q And that you were paying for meals for three or four witnesses and different people for $150 on the 10th and $130 on the 11th?

A Not in San Francisco. That doesn't necessarily mean that. It means that I had those rooms in San Francisco on the 10th and 11th. What I did on the 10th and 11th is not reflected in those claims, Mr. Druker.

Q You weren't sleeping in those rooms those nights, were you?

A No, but my clothes were there.

Q You were--

A In Reno. There's no question about it.

Q You're in Reno on personal business?

A No, sir.

Q On County business?

A Yes, sir.

Q What county business?

A In reference-- If you'll give me the date and let me see my other files.

Q What files do you want to see?

A (No response)

Q I'll show you the claim.

A Give me-- All right.

Q (A document is handed to the witness by Mr. Druker.)

A Sam Houston, R.B. 14 12, and R.B. 491.

Q You met with Sam Houston in San Francisco?

A The defendant's Exhibit L indicates that, but--

Q You have a different recollection now?

A I had a different recollection before, I believe I told you.

Q Defendant's Exhibit L, by the way, it is Sam Houston activity sheet that you would dictate to Gladys upon your return from each trip?

A Right.

Q When you returned from that trip in October '73, you dictated to Gladys you met with Sam Houston and and Joe Spinnato in San Francisco, right?

A No.

Q Gladys got stuck on that one?

A I don't want to debate your rhetoric.

THE COURT: Yes, disregard it.

Q There's a mistake in it?

A Your methods or your characterization of the methodology used, at the beginning I dictated almost word for word. At the end I would give Gladys the information. She would take most of it from the claim. If I may give you an example, she would put down October 15, '73. I would tell her if I paid Sam Houston and if I met Sam Houston and who was with me and what he told me and she would make her shorthand notes.

From the claim she would put down, "Met with Sam Houston and Joe Spinnato." That's what I would have told her, "in San Francisco."

Now, she would have no knowledge that I was in Reno at that particular time unless I told her, and she would assume the meeting took place in San Francisco.

In most instances she was a hundred percent correct, but Gladys is just like any other human being, can make mistakes as well.

My recollection the meeting and the payment took place in Reno, on this particular trip.

Q Do you remember that two and a half years ago on that particular trip you met with Sam Houston?

A Mr. Druker, I've gone over these dates. I have tried to refresh my recollection, recognizing I'm going to be testifying. I've tried to do the best I could in reference to remembering what pertinent testimony was material to this jury and to the best of my recollection the payment on October -- and I don't believe it was -- there's a mistake here, too (indicating). If you look at Defendant's Exhibit L, "Met with Sam Houston and Joe Spinnato in San Francisco on October 19th." The date is October 15th. Obviously it's a typographical error. It's a mistake. To the best of my recollection, Mr. Druker, we met Sam Houston in Reno. I could be wrong. Anything is possible, but that is the best of my recollection.

THE COURT: I think you've answered the last question rather fully, Mr. Cahn.

THE WITNESS: Thank you.

Q I'm showing you now Government's 27 and 28 and 27A and 28A. I'll ask you to look at these and tell us whether or not this involved a tirp to San Francisco, to New Orleans, Louisiana, and Houston from July 14 to around the 29th of 1973, Mr. Cahn (handing to witness).

A Yes, sir.

Q On that trip you submitted a claim for your air fare and other expenses to Nassau County, did you not?

A Yes.

Q You submitted a claim to the National District Attorneys Association. Was it for some of your other expenses?

A Yes.

Q You submitted a third claim to another organization for some of the same expenses, isn't that right?

A Well, no--

Q Alert?

A A claim to the National College of District Attorneys, yes.

Q You didn't see anything wrong with that, having three separate entities paying for the same air fare expenses?

A Three separate entities didn't pay for the same expenses.

MR. DRUKER: We had a document improperly marked. It's part of Government's 28 in evidence.

Q I'll show you that second part of your County claim, Mr. Cahn, and ask you whether or not Nassau County paid for your entire air fare of that trip to New Orleans, Houston and San Francisco.

A Nassau County advanced the entire air fare

of $1,027.54.

Q Subsequently-- Withdrawn.

When you say they advanced it, they paid for it, right?

A They advanced it by paying the prosecution fund for a check I made out to ATS.

Q You wrote a check against the prosecution fund to ATS for your air fare for the entire trip, right?

A That's correct.

Q Then you submitted a claim when you got back so the County reimbursed the prosecution fund, right?

A Replenished.

Q Replenished.

A Yes.

Q The County had now paid through --either directly or through the prosecution fund the County had paid for the air fare in toto, right, to ATS?

A The County advanced the air fare. I'm not going to debate rhetoric with you.

Q They gave ATS a check for the air fare, right, Mr. Cahn?

A Please don't be annoyed with me, Mr. Druker.

THE COURT: What is--

THE WITNESS: Yes, they gave the prosecution

fund a check. I gave the check to ATS.

Q Was it your money that you were giving to ATS?

A No, it was an advance.

Q It was the prosecution fund's money, right?

A No, the County money.

Q That's what I asked you.

A Yes.

Q The County's money paid for the air fare to ATS?

A The County's money was advanced for the air fare.

Q You submitted a letter with regard to that same trip to Mr. Heelan of the NDAA, did you not, in which you claimed as an expense round trip air fare to San Francisco, first class, $437.27, right?

A That's correct.

Q You didn't tell Mr. Heelan that Nassau County had paid the travel agent for that air fare, did you, or advanced to the travel agent the air fare?

A No, I didn't tell Mr. Heelan the County advanced the air fare.

Q With regard to that same trip, you sent a letter dated July 30th, 1973, to Mr. Bob Fertitta of the

National College of District Attorneys, didn't you, Mr. Cahn?

A Yes, sir.

Q In that is a "following list of my expenses," and then you put down "round trip air fare, economy, New York to Houston, $239.27."

A Yes, sir.

Q Did you tell Mr. Fertitta that your airline ticket had been paid for by Nassau County?

A I didn't tell him it was paid for. I didn't tell him it was advanced.

Q Did you think that might be something he would be interested in knowing?

A No, I did not.

Q Before he issued you a check?

A No, I did not.

Q On that trip do you have any recollection of cashing any checks while you were away?

A If I did, they'll--

Q Let's go back a moment. You have before you the check stub books and I'll show you this check (handing to witness). I'll show you this document and ask you to look through Government's Exhibit 60A, B and C in evidence and see if those refresh your recollection as to whether

or not you took a $1500 cash advance before you left on that trip.

A This indicates, yes, on July 17, '7? yes.

Q Assuming that you paid for everything in cash, what was the cost of that trip to you, Mr. Cahn?

A (No response)

Q While you were away.

A $2,831.81.

Q I'll show you this and ask you if it refreshes your recollection as to whether or not you cashed a check while you were on that trip in the amount of $500.

A Personal check, yes, sir.

Q Who cashed that for you, do you recall?

A No, I don't.

Q I'll ask you if this check refreshes your recollection as to whether you cashed another check on July 21 in the amount of $1,500 in Reno, Nevada, on that sametrip (handing to the witness).

A Excuse me, the July 18th check, Mr. Druker?

Q Yes, sir.

A I see in the upper left-hand corner "Lee D." That would indicate Lee DeLauer.

Q The Casino man?

A Right.

Q You have cashed both those checks while you were away on that trip?

A Yes, sir.

Q You had a $1500 cash advance and you cashed checks for $1500 and $500. That would be $3500, right?

A (No response)

Q $1500, $1500 and $500.

A $1500 of County money, this of my money, yes (indicating).

Q $2,000 of your money, $1500 of County money, and the whole trip cost $2700 or $2800, right?

A Yes.

Q Is it a fact that you were gambling and losing on that trip somewhat heavily?

A No, sir.

MR. BOGIN: I object to that.

Q To any degree?

THE COURT: It's a question, a proper question.

A No, sir.

Q Do you recall having Gladys send you a check for $1,000 out of County funds while you were away on that trip? I'll show you this document. See if that refreshes your recollection (handing to the witness).

A Yes.

Q What was that for?

A That was for County business. That was $700-- Well, $1500, $2831 and another thousand would be $2500. I was running out of County funds.

Q You mean you may have been walking around with $1,000, $1500, in your pocket but rather than spend that you had Gladys wire $1,000 out of county funds?

A Absolutely. I told you that I wouldn't want to mix County funds with my personal funds in any way. That's a very dangerous precedent.

Q By the way, on your County claim on that trip with regard to the Houston Oaks Hotel, isn't that one of the occasions on which you submitted-- Withdrawn.

I'll show you some other documents. Mr. Cahn do you have or do I have 27 and 28A--

THE COURT: Do I have it? I have 27.

Q I'll ask you to compare the room bill you submitted to the National College of District Attorneys with the room bill which you submitted to the County.

A Yes.

Q Isn't it a fact you submitted Mr. Spinnato's room bill to the National College of District Attorneys?

A I testified to that--

Q With your name on it?

A I testified to that yesterday and I told you how that came about, yes.

Q I'm asking you, Mr. Cahn, you've tried a lot of cases, right?

A Right.

Q You know there's direct and cross?

THE COURT: Go on.

Q How did you work that? Did you scissor your name over your bill, paste it over the top of Mr. Spinnato's bill?

A I didn't work this at all. I didn't do this at all. I didn't know about this until the middle of 1975.

Q Didn't you testify yesterday that you told Gladys to submit Spinnato's bill?

A Yes, to submit his bill.

Q Well, it would have to have your name on it?

A No.

Q You think the National College would have paid a bill to William Cahn if it were in the name of John Doe or Joe Spinnato?

A Yes, in reference to the amount on the bill. My bill was for $80. Joe Spinnato's bill was for $30. That's the bill. That's the amount. The College was going -- obligated to pay; therefore I said "In order to show

them the amount of the single rate for a single room, send them Joe Spinnato's bill. There was some problem.

Q When you would fly to Houston you would go first class ordinarily, right?

A Yes.

Q Maybe $300 or $400?

A Right.

Q But you would submit a claim to the National College in which you would just charge them for the coach fare for $289. Why couldn't you have done that with the hotel bill? You had an $80 a day hotel bill and the National College would only pay $30. Why couldn't you attach an $80 hotel bill in your name but just put on your list of expenses, hotel $30?

A In most instances the air fare was subject to a letter. That's No. 1.

Secondly, when we did this in the past, submit my bill which was far and above and in excess of the amount permitted to be paid by the National College, there were telephone calls in reference to mixup and problems and in order -- and in an effort to alleviate those problems and to show them what the single rate was, I told Gladys to send Spinnato's bill. What happened thereafter, Mr. Druker, I did not find out until the middle of 1975.

Q Wasn't the real reason, Mr. Cahn, because if you had submitted the $80 hotel bill that they would have asked you something about it and that you would have either to have told them that you were shelling out the difference of $50-odd out of your own pocket or that you would have had to tell them the truth, that Nassau County was paying for the whole hotel bill?

MR. BOGIN: I object to that.

Q Isn't that the reason?

MR. BOGIN: Inference of untruth, not in evidence, prejudicial to the defendant.

THE COURT: It's based on the testimony. The witness can answer it.

A I'll be glad to.

No, that's absolutely not the reason. The reason was that the college would not pay what Nassau County was permitting me to pay for a suite. During previous stays in Houston I did submit the bill. There was no question about why, who, what and where. The problem came up, Mr. Druker, only as to the amount. To avoid that problem I told Gladys, "Send Joe's bill." By the way, in this particular instance, Joe did not participate in the college function, so he had nothing to do with it. It was just "Submit his bill to show what the amount was." That was

what, the way in which I thought the problem could be solved. What happened thereafter I told you I didn't find out until the middle of '75.

Q By the way, with all these trips to Houston you claimed taxicab fares, with most of them, to and from the airport, taxi in and around Houston.

A Yes.

Q Isn't it a fact on almost every one of these occasions at least in 1972 and 1973 you didn't have taxicabs but you had an employee of the Houston County chauffeuring you around?

A Sometimes and sometimes not. If I did, he benefited by it.

Q Who benefited by it?

A Whoever picked me up, if I was picked up.

Q Do you know a Pamela Woods, an employee of the Houston County Clerk's Office or County Employees' Office?

A Who?

Q Pamela Woods.

A Yes.

Q Does that name ring a bell?

A (No response)

Q Didn't Miss Woods pick you up from the airport on many occasions?

A No.

Q Didn't Miss Woods drive you and Mr. Spinnato and Mr. Lang, whoever was present, around Houston?

A No, not to my knowledge.

Q Never happened?

A It could have happened, yes.

Q Did you give Miss Woods money for that?

A For driving around?

Q Yes, sir.

A No, sir.

Q Would you charge Nassau County for taxi fares?

A No, but when I had taxi fares I had taxi fares.

Q With reference to Government's 29A in evidence, do you recall sending a letter to the Dean of the National College of District Attorneys in which you stated that you considered it to be demeaning for a public official to have to submit receipts and itemization?

A Yes.

Q Did you consider that to be demeaning at the time?

A Yes.

Q Then you stated, "I don't have to do that in my own county. I don't think it necessary to start now, especially under these circumstances." That wasn't true,

was it, that you didn't have to do it in your own county?

A In reference to the circumstances that that letter refers to, it was true, yes, sir, Mr. Druker.

Q You have to submit cash receipts for airline tickets and hotel bills to Nassau County?

A I don't believe I was talking about that in that letter.

Q You were referring to things other than airline tickets and hotel bills?

A To the best of my recollection, yes. I was referring to the same thing Mr. Randall spoke about.

Q That would be like meals, gratuities, things like that?

A Yes, sir.

Q Of course, you would have had a problem if you had to submit receipts for meals, gratuities, to the National College and the County both, isn't that correct?

A What kind of problem?

Q You only get one receipt for the expense, don't you, and you were submitting the claims to two different places?

A This wouldn't have presented any problem.

Q You would have Xeroxed it, I guess.

A Wouldn't have presented any problem.

Q Mr. Cahn, in your earlier testimony, direct examination, you testified, did you not, that you made Sam Houston a promise that there wouldn't be any claims to the County or anything reflecting, you know, that you were meeting with him; is that correct?

A That I wouldn't make any claims to the County, yes.

Q Didn't you have a symbol for Sam Houston, R.B.15 S.P.?

A Eventually, yes.

Q Didn't you put that down on County claims?

A Yes.

Q Those claims, many of which are in evidence, would reflect where you were traveling, isn't that correct?

A That's correct.

Q And they've reflected dates on which you were traveling; isn't that correct?

A That's correct.

Q So that couldn't Sam Houston's worst fears be realized by some outsider examining these claims or even an insider, and then revealing the information?

A (No response)

Q They would tell, wouldn't they, that RB15SP, that being Sam's code, had been the subject matter of your

trips to different cities on different dates and possibly they could piece it together.

A No, Mr. Druker, that couldn't happen because--

Q Why not?

A There was no file RB15SP.

Q Couldn't you have simply put on a regular County claim, like relating to other informants, for payment to informant, Re: R.B. 15 S.P., $1,000, and submitted it to the County Comptroller, right?

A I could have done that.

Q And you wouldn't have any file in your office, right?

A I could have done that.

Q No one would have known what the RB 15 SP meant? Right?

A That is correct.

Q You wouldn't have had to put down the date you paid Sam Houston in the claim, isn't that right?

A That's correct.

Q And you wouldn't have had to put down the place at which you met Sam Houston; isn't that correct?

A That's correct, nobody would have known whether I paid Sam Houston or not or anybody else or not. I could have done all those things.

Q Relating to that Atlanta trip, subject to Count 38, and you testified about that yesterday, you remember the $17.38 cab fare?

A Yes.

Q $17 and change.

A (No response)

Q The claim that you sent in had that cab fare down for both you and Mr. Spinatto, right?

A Yes.

MR. BOGIN: Which exhibit?

MR. DRUKER: Referring to 38A in evidence, the claim to the National College.

Q $17.30.

A (No response.)

Q You knew, didn't you, that you had taken the taxicab together, right?

A Right.

Q Incurred one expense?

A That's correct.

Q Would you tell us again how that came to be?

A I just told Gladys to duplicate my expenses for Joe and send them in.

Q So that Gladys, without really thinking about the thing or asking whether there was one or two

cab fares, just put down the exact duplicate expenses?

A I would think so, yes.

Q Mr. Cahn, do you recall testifying in a prior hearing relating to these matters in February of 1976, in this courthouse?

A Yes.

Q At that time didn't you testify under oath in this courthouse that what had happened with regard to that taxi fare was that the National College of District Attorneys had told you that it was o.k. to submit two taxicab fares, but that later on, apparently for some reason, they changed their minds and disallowed it?

A I don't remember testifying to that. If I did, I accept your testimony and if I did, that's a mistake. I had it mixed up with something else.

MR. BOGIN: We'll concede that was the testimony, your Honor.

MR. DRUKER: All right. Stipulated Mr. Cahn testified at such a prior hearing that the National College of District Attorneys had told him at one point it was o.k. to submit the double cab fare claim and then apparently changed their minds and disallowed it, correct?

MR. BOGIN: Yes.

MR. DRUKER: Thank you.

Q You may have already answered, but I take it that would be incorrect and what you testified to now would be correct.

A (No response)

Q Or would it be the other way around?

A No, I believe the college and the NDAA are mixed up. What I said yesterday and what I have repeated today is correct.

Q I'm showing you Government's 44A in evidence, that being the letter to Chandler Hoy. Do you recall that letter, Mr. Cahn?

A I wrote the letter.

Q In that letter you stated, did you not, that you didn't have the ticket for your trip since, and I'm quoting, "I misplaced it after my arrival home." Isn't that right?

A Right.

Q That wasn't true, was it?

A Yes, the copy of the airline ticket sent to the County, after it was sent to the County, the copy that was made for the purpose of sending to Chandler Hoy was misplaced.

Q You sent a copy of the airline ticket to the

County the day before that, right?

A I don't know.

Q On June 28th. I'll show you a copy of your County claim if that will refresh your recollection, referring to Government's 44 in evidence (handing to witness). Hadn't you submitted a copy of your airline ticket to the County?

A Submitted the airline ticket to the County.

Q All right. You didn't tell that to Chandler Hoy in your letter of June 29, did you, Mr. Cahn?

A I told him exactly what I told him, that the copy was misplaced or the airline ticket was misplaced, and it was. We had no further copy of it.

Q It was misplaced because it went to Nassau County Comptroller for payment, isn't that right?

A No, sir, it's not right. We sent the original to the County and before sending it to the County we make a copy to send to Chandler Hoy. After the original-- Now you tell me I sent a letter to Chandler Hoy the day after -- after that, the copy that we made and after this claim was submitted was misplaced. This is what I told Chandler Hoy.

Q Did you mention anything in the letter to Chandler Hoy to the effect that you had sent the original to the County?

A No, I did not.

Q Mr. Cahn, I'm showing you Government's 46A in evidence. That's the claim to the -- a letter, if you will, to the National District Attorneys Association relating to a trip that you made to Las Vegas, Nevada, in or about April 1974, is that right?

A That's correct, sir.

Q Will you agree that your hotel room while in Las Vegas was complimentary on that trip?

A That's correct.

Q In your letter, you submit as an expense, do you not, hotel room in the amount of $100.

A Yes, sir.

Q To the Naional DA's Association?

A (No response.)

Q They paid you for that hotel room, didn't they, Mr. Cahn?

A Yes, sir.

Q That letter was mailed to the National DA's Association, was it, Mr. Cahn?

A Yes, sir.

Q They mailed you the check back for payment among other things, of the hotel room in Las Vegas?

A That's correct, sir.

Q Weren't there other occasions on which you sought reimbursement from Nassau County and other institutions which aren't reflected by this chart in any way, such as the Sam Houston State University, what we talked about yesterday?

A Mr. Druker, I told you that a long time ago, that the list that I gave you wasn't complete, wasn't accurate. There could be other occasions, yes.

Q Where were those moneys have gone, Mr. Cahn?

A Into the Sam Houston fund, unless there was some specific reason for it not to.

(Continued on the next page.)

3AM
2 fols

MR. DRUKER: May these be marked as a group for identification.

THE CLERK: Set of documents marked Government's 7 3 for identification. (so marked)

MR. DRUKER: And 73A, please.

THE CLERK: Document marked 73A (so marked)

Q Mr. Cahn, showing you Government's 73 and 73A for identification, (handing) I'll ask you to look at those documents and to tell the Jury whether or not they refresh your recollection as to when you paid a trip to Houston, Texas, in June of 1971, for which you sought reimbursement from both Nassau County and an outside association.

MR. BOGIN: Mr. Druker, please don't testify as what's in those documents.

THE COURT: Yes.

Q Does that refresh your recollection - -

THE COURT: No, the facts will come from the answer. I think Mr. Druker was just trying to simply the answer.

Q Does that refresh your recollection as to whether or not you went to Houston, Texas in June of 1971?

A Yes.

Q The document on your right is a claim to Nassau County, right, pursuant to that trip?

A Yes.

Q Referring to 73 for identification, and regarding 73A for identification, and particularly the notation, I think in the lower right hand quadrant of that document, does that refresh your recollection as to whether or not you were also paid by the National College of District Attorneys for that trip?

A No, but may I get another exhobit?

Q Surely.

THE COURT: Yes.

(Witness leaves stand)

(Witness returns to stand)

A Yes.

Q That does refresh your recollection?

A Yes.

Q With regard to that trip, were you paid by both the National College of District Attorneys and Nassau County with regard to least your airfare and come of your travel expenses?

A Yes.

Q With regard to the check that came in from the District Attorneys, what did you do with it?

A Cashed it.

Q And.

A And put it into the Sam Houston fund.

Q That's not reflected on the chart, is it, Mr. Cahn?

A (No response)

Q If it is, I stand corrected.

A It's on the list that I gave to you, Mr. Druker.

Q Mr. Cahn, my question is, is it reflected on this chart which is now facing the Jury (indicating) in this case.

MR. NEIL CAHN: It is.

Q Let me please go back, that document that you have in your hand, that's a previous listing of monies claimed by you to have been paid to Sam Houston; is it not?

A That's the list I gave to you on December 31, 1974.

Q In order words, yes, right Mr. Cahn, that's a previous list of outside monies you claimed to have paid to Sam Houston, yes or no?

A Yes.

Q Is not that the list which you showed to the Controller of Nassau County or from which you gave figures to the Controller for use in his report?

A Yes.

Q There are other funds listed in there which represent checks from outside organizations for other trips

on which you sought and received dual reimbursement; is that right?

A (no response)

Q Other situations such as those that are charged in the indictment?

A (no response)

Q To simplify it and which are not reflected on the chart up there, right, Mr. Cahn?

A Yes.

Q So that actually the "into Sam Houston fund" column over here (indicating) should reflect more money than is here; is not that right, for example the Sam Houston state university check that you were shown yesterday?

A That definately, because I did not give that to you before or anybody else.

Q My question is - -

A Yes.

Q My question is it belongs in that column?

A It belongs there.

Q Also the check from the N.D.A.A.that's in front of you now, Mr. Cahn?

A There's got to be - -

THE WITNESS: Might we have a side bar?

THE COURT: Yes.

(Side Bar)

THE COURT: Mr. Druker, Count 29 relates to a trip to Houston for the College in June of 71/

MR. DRUKER: There were several.

MR. NEIL CAHN: It's this one, (indicating) its this trip and it's in there (indicating)

MR. DRUKER: Let me check, excuse me.

(Pause)

MR. NEIL CAHN: Unless that s not the trip.

MR. BOGIN: It's on there, it's in there.

MR. NEIL CAHN: Unless that's not the trip. That trip is in there.

MR. DRUKER: I went over those eight trips this morning. This wasn't on the listing I made up from Mr. Cahn's testimony.

MR. NEIL CAHN: I can give you the eight trips.

MR. DRUKER: Would you?

MR. BOGIN: In any case, that's on the board. (indicating)

THE COURT: If it's going to take sometime to work out.

MR. CAHN: I think we have it.

THE COURT: Do it during the next recess and count with another subject. (Open Court)

Q This trip is one, I take it, which is listed as being included in the eight trips which comprise or seven trips which comprise this figure (indicating)

A Yes.

Q That was listed in the document which you previously gave to the Government and to the Nassau County Controller; is that right, Mr. Cahn?

A Yes.

Q I show you these two documents (handing) and ask you if they refresh your recollection with regard to another trip to Houston, Texas, about a year earlier, in June of 1970?

Yes.

Q On that trip did you have occasion to submit claims to Nassau County and to the National College of District Attorneys for your travel expenses?

A Yes.

Q With regard to the check that came in from the National College of District Attorneys, where did that go?

A I kept that.

Q You kept it yourself?

A I put this on the list to you - -

Q My first question, Mr. Cahn, forget the list, please. Where did the money go?

A To me.

Q Did you pay it to Sam Houston?

A No.

Q You just kept it?

A Yes, for two separate trips, the County trip was for another trip. The check was for another trip. (indicating)

Q So it would be two airline tickets that the travel agent or somebody would have relating to that trip?

A Yes.

Q Do you have any documents to substantiate those two trips, rather than one?

A If you would like to know what happened, I will tell you?

Q What happened, Mr. Cahn?

A Well, I was there on Tuesday to give my lecture. It was the first class of the National College of District Attorneys. I was there on Tuesday.

I was asked by the dean of the college to return for graduation on Friday. I returned, but I charged the County for the trip on Tuesday and I really charged the college for the trip on Friday. They were for two separate trips.

Q You have a clear and positive recollection of that?

A Yes.

Q This was almonst six years ago?

A Yes, but it was the first graduation class. That's why I remember.

Q I show you these documents and ask you if they refresh your recollection as to whether or not you travelled to Los Angeles, California and Houston, Texas, back around September 1972?

A Well, There was a trip - -

Q The document on your right is a county claim; isn't it, Mr. Cahn?

A Yes, it is.

Q Submitted by you for a trip when?

A September of 1972.

Q And you were paid for your travel expenses or the County paid your travel expenses pursuant to that claim; isn't that correct?

A Yes.

Q And the document on your left, does that relate to the National Police Task Force, which was mentioned earlier in that case?

A I presume. It's a check from the Treasury.

Q In the United States Treasury; right.

A (No response)

Q They paid your airfare for that same trip; did they not?

A I don't know what they paid me.

Q What - -

A It didn't - -

Q What did you do with the check?

A The check was cashed.

Q Did that go into the Sam Houston fund?

A I don't know that these are the same trips. I see - -

Q Do these documents on your left refresh your recollection as to whether or not on September 21 and 22, 1972, there was a meeting of the National Advisory Commissions, Police Task Force in Los Angeles, California?

A Yes.

Q Wasn't that during the period of time you were travelling on behalf of Nassau County?

A (No response)

Q It wasn't?

A No.

Q Mr. Cahn, looking at your county claim, particularly the hotel bills and the dates, does that refresh your recollection as to whether or not you were in Los Angeles, California on September 20th, 21, 22, 23, 1972?

A Just the 20and 21.

Q There is another hotel bill, if you'll take a look.

A The 22 and 23 I was in Houston, Texas.

Q So weren't you in Los Angeles then at the same as that Police Task Force meeting?

A That's correct.

Q You were sent a check in the amount of three hundred and sixtsix dollars by the United States Treasury for your attendance at that task force meeting, right?

A Yes.

Q Take a look at the back of the check, if you will, and tell the Jury what you did with that check.

A I cashed it.

Q Did what with it?

A And if it was the same time it was deposited in the Sam Houston fund.

Q That didn't appear on the chart, does it?

A No - - I don't know.

Q That would actually put you, Mr. Cahn,taking that with the Sam Houston state university college for a couple of hundred dollars yesterday, that would put you either even or several hundred dollars ahead of the game, wouldn't it?

A No, lets see. Would you add them up again, please

Q The Sam Houston State University College, the travel portion of it, if I told you that was for two hundred and Thirteen dollars and twentyeight cents and that one was for three hundred and sixtysix dollars,then it's five hundred eightynine point twentyeight, which would change this figure to roughly nineteen thousand seven hundred dollars, would change this figure to roughly twenty thousand and some change,(indicating) but - -

A I said that second figure - -

Q It could be one, could be the other; isn't it Mr. Cahn?

A To the best of my recollection the first figure is correct. It's nineteen thousand some odd.

Q You testified yesterday that you wound up out of pocket a few hundred dollars after you saw Sam Houston - -

A According to my calculations, I'm still out of pocket.

Q You may be wrong, may be there were still other trips on which you got reimbursement from the County and other organizations which aren't included on the chart.

A Mr. Druker, if you have them show them to me.

Q Do you recall whether or not there were any, Mr. Cahn?

Q No, I don't recall but there may have well be

in five years.

Mr. Druker, might I see that exhibit, again, please?

MR. DRUKER: I'll offer these into evidence.

MR. NEIL CAHN: No objection.

THE COURT: They can be marked.

A Might I ask if the pencil is yours?

MR. DRUKER: I'll stipulate, apparently, the claim had contained typeographical errors as to the date. The pencil was put on by my office. I can either leave it or remove it. That came from a comparison with the hotel bills, airline ticket that we changed the dates

A Can we stipulate the claim that my trip in Los Angeles was typed as of September 25, 26, 27, 28, 29. Can we do that?

Q Surely.

A Later on, apparently, there was a typeographical error.

MR. DRUKER: So long as it's agreed the hotel bill was for the 20, 21, 22 and 23.

A Absolutely, sir.

THE COURT: Mark them.

THE CLERK: Two sets of documents marked Govern-

ments 74 and 74A in evidence (so marked)

Q By the way, Mr. Cahn, you testified earlier about the number of checks that you cashed in Reno, Las Vegas. Did you cash checks like this in any other cities?

A Only - -

Q You did cash checks like this in Houston, New Orleans or Miami; did you?

A It's a little difficult, but I might have cashed in Las Vegas .

Q I ask you, other than Las Vegas and Reno.

A No.

Q Going back to the original affidavit that you testified about yesterday, - -

MR. BOGIN: If that is another subject - -

MR. DRUKER: I'll consent. Your Honor, we're moving onto a new area.

THE COURT: All right, we'll take our lunch break now and resume at two o'clock. Remember my admonition about not talking about the case, talking to people in the court room.

(Jury leaves the Court Room)

Time noted 1.00 P.M.

Cahn HR:cp 1.1 pm

A F T E R N O O N S E S S I O N

(The jury enters the counrtroom.)

THE COURT: You may be seated.

Mr. Druker, continue.

BY MR. DRUKER:

Q Now, Mr. Cahn, when you would be traveling out West or down South, wherever it may be, on a trip where you were anticipating meeting Sam Houston and paying him some money, would you take this money in cash with you.

A In most instances, yes.

Q Five hundred or a thousand dollars, whatever?

A Yes.

Q And did you mix these money in with the county advance cash that you were taking?

A No, I wouldn't.

Q Would you mix it in with any personal money that you had with you?

A No, I wouldn't.

Q And when you were out there, would you mix it in with any of the money you obtained from cashing checks out there?

A No, I wouldn't.

Q And would you mix it in with the American Express money that you kept separately from those other monies?

2 A No, I wouldn't.

Q So you would actually be walking around with either four wallets or envelopes, four separate sources of money. Is that right?

A Yes.

Q Do you have defendant's L in evidence in front of you, sir?

A No, sir -- defendant's L?

Q Yes, sir. That's the Sam Houston Activity Sheet.

A Yes.

Q Now, Mr. Cahn, looking down at the entry there of June 4, 1973, it says, met with Sam Houston and Joe in Houston on May 31st.

And then there are a couple of items there, and the last item is, he also informed us that a Patrick Desiderio had a bookmaking operation in Nassau County, and then in parens gave him $750 and then you end the parens.

Was this new news to you?

A I don't remember at the time.

Q If I suggested that you had Mr. Desiderio on gambling charges back in September of 1972, would that refresh your recollection as to whether this was new news to you?

A Well --

Q I will show you this document and see if this

helps to further refresh your recollection, Mr. Cahn.

(Document referred to is handed to the witness.)

A Mr. Druker, you're referring this to something in '73. This may be -- this relates to an arrest or a matter -- it's dated Setember 26, 1972, and apparently an arrest was made -- this could be information that he was back in business again.

Q All right.

At any rate, my question -- all right.

In September of 1972, you have Mr. Patrick Desiderio arrested on gambling charges. Is that right?

A Yes.

Q And then in May of 1973 Sam Houston told you that Patrick Desiderio had a bookmaking operation in Nassau County. Is that right?

A That's correct. And that could refer to a new operation, back in business.

Q It could be, too, that Sam had read it in Newsday, right?

A It could be. Anything could be, Mr. -- but apparently this refers to a new operation, yes.

Q But it doesn't say new operation there, does it?

A No, sir.

Q It doesn't even say Patrick Desiderio, it says a Patrick Desiderio, isn't that correct?

A That's what is typed in there. I --

Q Now, I direct your attention to the same page, July 30th, 1973, met with Charlie Spahr and Sam Houston in Las Vegas on July 28th; Sam told us that there were rumors of a hit.

And I take it that means murder or killing, right?

A Yes.

Q Involving a porno ring, but didn't know who or where. He had heard it possibly might involve Nassau County and possibly it was Hodas.

And that would be referring to Martin Hodas; is that right?

A That's correct.

Q And then did Sam tell you -- number one, did he tell you who was going to be killed?

A He thought it might be Hodas, might be Hodas.

Q Subsequently, it turned out the next day a man by the name of Paul Rothenberg, an alleged porno king, was killed; is that right?

A The exhibit indicates I got a call from Joe Spinnato while I was in Vegas and he told a Paul Rothenberg was shot to death in Roslyn on July 29th, the head of a --

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Q How about the killer, did Sam tell you who was going to do the killing?

A No, sir.

Q And where it was going to take place?

A No, sir.

He thought it might involve Nassau County.

Q So that information didn't really do you any good, did he, Mr. Cahn?

A It's kind of late to get it.

Q And you gave him $750 on that date; is that right?

A Mr. Druker --

THE COURT: Did you give him $750 on that date?

THE WITNESS: On that date, yes.

Q Now, May 15th, 1972, on page five, Mr. Cahn, it says, met with Joe and Sam Houston in Houston, Texas, on May 8th, 1972. First item, asked Sam if he knew anything about the homosexual ring we are investigating in Nassau County. He said he had not yet heard anything about it at all.

A No, he said he had not heard anything.

Q Not heard anything about it at all.

Secondly, he informed us Martin Hodas, who is somehow tied in with Sonny Franzes was one of the big porno operators in Nassau and that there was some kind of trouble

brewing.

Now, this in information about Martin Hodas, was that new to you, that Martin Hodas was a big porno operator in Nassau County?

A No, sir, that was not new to me.

Q It was pretty well known in law enforcement circles prior to that, isn't that right, Mr. Cahn?

A I don't know how well known in law enforcement circles, but it was well-known to me.

Q In fact, it was in the newspapers, wasn't it, prior to that, Mr. Cahn?

A That could be. It's well-known to me.

Q And on that date you paid Sam $750; is that correct?

A That's correct.

Q Going back to --

A Mr. --

Q Going back to --

THE COURT: Let the witness answer.

A You left out, and that there was some kind of trouble brewing. That I didn't know, to the best of my knowledge. This was something new to me.

Q Okay, that was new information.

Going back to the May 11th, 1970, entry on page two,

he told us that he knows we have a grand jury looking into the disappearance of Mary Anadamo.

Now, did that strike you as being something that was pretty hot information?

A That he knew?

Q Yes, sir.

A I wouldn't know.

Q Mr. Cahn, didn't your grand jury issue subpoenas to witnesses?

A Sure.

Q And these witnesses, once they came in the grand jury, would know there was a grand jury investigation going on, wouldn't they?

A Exactly.

Q And there is no law, to your knowledge, is there, that would prevent grand jury witnesses from telling their friends, neighbors, associates or newspapers what they were called in and asked about; isn't that right?

A That's exactly right.

Q So, Sam could have known about it from any number of sources, right?

A He could have known about it only from some of the witnesses that appeared before the grand jury to the best of my knowledge, as I look back to 1970, which was of interest

to me.

Q And on that occasion, which was the same date that he told you that you could open up Joe Columbo and Paul Sciacca , you could learn about that and gave him $500; is that right?

A No, sir -- yes, sir, I'm sorry, it's the previous paragraph.

Q Now, Mr. Cahn, when you testified -- you testified that Sam would only call on your private line, that no one else had access to or would;answer; is that right?

A No, I don't think I testified to that.

Q Did he call on more than one line?

A No, he called on my private line. And if I did not answer or if I wasn't at my desk, there were occasions he would call on 4433, which is the number right into my office, but goes through Gladys.

Q And Gladys could take the call and tell him where you were; is that right?

A If I was in the office, fine. If not, she was under instruction that if I was out of town she could tell Sam Houston where I was.

Q Now, when Sam would give you this information from time to time when you were traveling, did you give it to any detectives or agents or anythin -- I will ask you that

first, did you desseminate it to anyone else?

A I'd ask about it.

Q Excuse me?

A I'd ask about the information, yes.

Q Did you open case files on these things?

A I didn't open case files. I would ask specifically Detective Sargeant John Lang. And if he were on the trip with me, I usually asked him after Sam Houston -- he was told to take a walk in those -- maybe not in those terms, but if we expected to meet Sam Houston, he was told to take a walk. If I got some information, when Sargeant Lang would return, I might say, "Did you hear anything about this?" or "Do you know anything about this?"

If he wasn't on the trip, I would talk to Sargeant Lang when I got back.

Q And would you instruct him to start investigating? Would you impart the information Sam gave you to him?

A I would just say to look into it.

Q And were any cases opened to your knowledge based on this information, to the best of your knowledge?

A To the best of my knowledge, information might have been added to files or cases might have been opened, yes.

Q Do you know of any? I am asking specifically

do you know of any?

A Yes.

Q And what cases were opened, Mr. Cahn?

A Well, the Long Island Jewelry -- oh, was opened?

Q Yes.

A No, I wouldn't let cases be opened directly on the information Sam Houston gave at first unless it was thereafter corroborated, but I would let information be added to files already started that was corroborated by Sam Houston.

Q By the way, going on page four here, there is an entry on November 15th, 1971, met with Joe and S.H. -- and I presume that's Sam Houston -- in Reno on November 6; informed us that Marty Cahn, who is close to Jimmy Knap, was operating a big bookie ring out on Long Island. He wasn't sure where.

Now, was that new information to you, Mr. Cahn, to find out that in November of '71 that Marty Cahn, number one, was close to Jimmy Knap, and number two, was operating a bookie operation or big bookie operation on the island?

A The information about Marty Cahn being close to Knap was not new information to me. The information that he was again operating out of Nassau County was, to the best

of my knowledge.

Q That was new information?

A To the best of my knowledge at that time.

Q Now, you kept records, you testified, and the records you testified which are in evidence, relating to the payments of Sam Houston; is that correct?

A The affadavits.

Q The affadavits.

And those relate to the monies paid out to Sam Houston; is that correct?

A Yes.

Q And they were contemporaneously made or almost contemporaneously made shortly after the payments; is that right?

A That's correct.

Q How about the monies coming in, what contemporaneous records did you keep in that regard?

A No, I didn't.

Q No records of contemporaneously made, regarding all these checks you were cashing and used to pay Sam Houston?

A No specific records. The only thing I had was the money going into the fund. But there were records around from which I gave you a list. That was prepared in October

of '74 and that's why I told you there were inaccurate and incomplete.

Q October of '74 was not contemporaneous with any of the transactions other than possibly one or two.

A That's correct, Mr. Druker. I did not keep contemporaneous records of the monies coming in, no.

Q Of course, you testified Mr. Roncalo said to you that you keep detailed records if you are going to do something like this, didn't you?

A Not detail.

Q That you were going to keep records?

A This suggestion to me, as I remember it, is I keep a record of monies paid to the informant. That was his suggestion.

Q And I think you testified you didn't tell Joe Spinnato how you're generating to get the money to pay; isn't that say?

A That's correct.

Q Did you tell Chief Spahr?

A No, sir.

Q Did you tell Detective Lang?

A No, sir.

Q Did you tell anybody?

A No, sir; other than Comptroller Roncalo.

Q Did you tell Gladys about it?

A Not specifically, but from what she was doing, I think she understood.

Q You mean she just assumed because you were sending out claims to the National College and the county for the same expenses that you were using this money to pay Sam Houston?

A Truthfully, I couldn't read her mind, but from what she was doing, she was putting monies into the Sam Houston Fund.

Q I am not asking you to read her mind. I am asking you did you ever tell her?

A Specifically?

Q Yes.

A The exact plan, I don't believe so, Mr. Druker.

Q And on this question of meals' money, it's your testimony that on every occasion you met Sam or just about every occasion, you would give him forty or eighty dollars in meals' money?

A In most instances, eighty dollars.

Q Did you ever eat with him?

A No, except perhaps a sandwich in the room.

Q So you would give him eighty dollars for his meals?

A Yes, sir.

Q And how would you generate the money for this purpose?

A That came out of the advance.

Q And then you would replenish it by putting down meals for witnesses on your claim to the comptroller?

A That's correct.

Q You heard Mr. Spinnato testify that he never saw you pay any of these meals' money to Mr. Sam Houston; did you hear that?

A Yes, I heard him.

Q Did you do it out of his presence?

A I would say in most instances, yes. But I am equally positive that there were times I did it in his presence.

Q You paid Sam $500, $750 and $1,00 from time to time in the presence of Joe Spinnato. Is that right?

A Whenever he signed an affadavit, I paid it to him in his presence.

Q Were you embarrassed by paying Sam $40 or $80 in Joe's presence?

A Not at all.

Q And you didn't tell Joe Spinnato about that, did you, at least not until 1974, 1975, right, Mr. Cahn?

A Mr. Druker, Mr. Spinnato doesn't remember it. I am certain I did. I had no reason to keep that from him at that time. It just was a natural thing, maybe as he was leaving, maybe as Joe was outside the room. He doesn't remember it, I do.

Q An honest mistake on his part?

A I don't even say it was a mistake on his part.

Q It might be a mistake on your part?

A About what? About h' knowing?

Q Yes.

A Yes, that could be a mistake; but not about me giving him the money.

Q Now, do you remember a weekend down around in September of 1974, it was during the last election for District Attorney when you were going in with some other people, into the office to work, I think, the Pobliner murder case?

A There were times -- I don't think I -- well, I may have participated a little bit by answering questions, yes.

Q By the way, Joe Spinnato, was he your campaign manager captain at that point?

A No.

Q Did he have any function in your campaign?

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A I think for a day or two he might have been the treasurer.

Q Now, back -- when was this Pobliner Investigation getting ready for trial, do you recall -- or getting ready for indictment, I'm sorry? Would September of '74 refresh your recollection as to the approximate time?

A It's possible.

Q And wasn't there a weekend in that period when you went into the office with Charlie Spahr and Gladys and Joe Spinnato on the weekend, back in -- or about September of 1974, Mr. Cahn?

A During election campaign?

Q Yes.

A Could be, yes.

Q And your office was on the corner of the building, was it not, at the southeast corner? It was on a corner, right?

A Yes.

Q And then next to it, wasn't there a smaller office which has like a conference table in it?

A Yes, sir.

Q And do you recall on that weekend back in September 1974 that you and Gladys and Charlie and Joe locked yourselves into that room with a typewriter for the weekend?

A Locked myself in?

Q You know, from like nine to five on Saturday and again on Sunday for a period of time? Do you remember that?

A Saturday and again on Sunday?

No.

Q How about on either Saturday or a Sunday?

A It's possible that during the campaign we were in my office. Not Charlie Spahr, he was involved with the Pobliner case and so was Joe Spinnato, but Gladys and I might have been in there, yes.

Q And Gladys was doing a lot of typing that weekend, wasn't she?

A Campaign typing, yes.

Q And isn't that in fact, Mr. Cahn, when defendant's L in evidence was typed up, back in the fall of 1974?

A Absolutely not, Mr. Druker, absolutely not.

Q Didn't you get all your old Newsday clippings together back there in September of 1974?

A Absolutely not, Mr. Druker.

Q It didn't happen?

A It did not happen. Defendant's Exhibit L was typed on the dates specified on Defendant's Exhibit L.

Q Now, Mr. Cahn, you have been a prosecutor for

about twenty-five years. Isn't that right?

A Yes.

Q Give or take a few years?

A Yes.

Q You know, don't you, that experts sometimes analyze original documents to determine their age and their authenticity. Isn't that right?

A Yes.

Q And you know, don't it, that it's more difficult and sometimes impossible to determine the authenticity or age or origin of a document from a photocopy; isn't that right?

A More difficult?

Q Yes, sir.

A I suppose so, yes.

Q Isn't that why you got rid of the original documents which are now in evidence?

MR. BOGIN: Objection.

MR. DRUKER: Which are defendant's L --

MR. BOGIN: There is no testimony he got rid of anything. The testimony is it was stolen. And I ask the Court to instruct the jury to disregard that remark.

THE COURT: The proper way to ask the question,

since you're assuming he did get rid of it, the question should be: did you get rid of it?

And I will sustain the objection to that extent.

Q Did you, Mr. Cahn, deliberately get rid of these documents back in September of 1974?

A Absolutely not, Mr. Druker.

Q And September 24th, that's the day you testified that these were stolen from you in the Washington, D.C. men's room; is that right?

A That's correct.

Q And didn't you have a suitcase with you at that time also?

A Yes, sir.

Q The thief didn't take the suitcase.

A That's correct, sir.

Q Would you tell the jury just how this took place, this theft in Washington, D.C. men's room.

A It's a little embarrassing, but --

Q We will bear with you, Mr. Cahn.

A I was standing in front of the urinal. On the left-hand side closest to the water closets was my attache case, which was placed on the floor. My black suitcase, an overnight suitcase, was next to the wall on my right-hand

side. After doing what I had to do, I bent down, the suitcase was there, the attache case was gone.

Q Did you see anyone else in the men's room?

A No, sir.

Q Did you hear anything?

A I may have heard something but --

Q You didn't near anybody walking up and reaching down besides you and taking your briefcase?

A No, sir.

Q By the way, that briefcase that those documents were in, that wasn't the briefcase you ordinarily travelled in, was it, Mr. Cahn?

A I can't say that, Mr. Druker. I travelled with that. I travelled with -- it's not a briefcase. It's an attache case.

Q Attache case.

A There were times I travelled with that, and there were times I travelled with other cases. But this particular briefcase had a combination lock.

Q And your other briefcases had what kind of locks?

(The witness indicates.)

Q R ular key locks, right?

A Yes.

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Q Now, Mr. Cahn, just prior to these documents disappearing or being stolen in Washington, D.C. men's room at the airport hadn't Mr. Thomas Puccio, the Assistant District Attorney in charge of the Criminal Division in this office, asked you to produce those records?

A He asked me to produce records; some of them I believe I produced.

Q And other people wanted to see those records, too, didn't they, Mr. Cahn, just prior to the time -- in the middle or early December, 1974?

A Other people?

Q Well, didn't Mr. Dillon want to see those records?

A No, sir.

Q Did Mr. Christ want to see them?

A Mr. Druker, Mr. Dillon was not District Attorney at that particular time. However, within about three days, the same week I believe Mr. Dillon was elected, before he assumed office of District Attorney, I showed him the originals of those records.

Q Did you give them to him?

A No. He was not District Attorney at that time, Mr. -- he was District Attorney-Elect.

Q Mr. Cahn, the question is simple. Did you give

them to him? It's either a yes or no.

A I don't want to antagonize you, Mr. Druker, I'm sorry, but I am answering the question.

Q Did you give the documents to Mr. Dillon at that time?

A I handed them to him to read, yes. He handed them back to me. I did not give them to him to keep.

Q Thank you, Mr. Cahn.

Now, in December of 1974, you were served with a subpoena, were you not, to bring with you all of your travel records for the years 1969 and to '74; is that right? Do you recall that?

A My travel records?

Q Yes, sir.

A If you show me the subpoena, it would refresh my recollection.

Q I show you a copy of it, Mr. Cahn.

(Subpoena referred to handed to the witness.)

A Yes.

Q And in fact the date November 21, 1974, refreshes your recollection as to when you were served with that letter, with that subpoena?

A It says November 20th.

Q That's the date of issuance, Mr. Cahn. If I

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suggested it was served within a day of that, would that refresh your recollection?

A You mean in November?

Q Yes.

A Yes, sir, I will accept that.

Q Now, do you recall giving an interview to Newsday reporters on December 11th, 1974, relating to this matter?

A No, sir.

(Continued next page)

Cahn MP:cp 2pm/1

Q Do you recall telling anybody on December 11, 1974, that you had turned over memoranda and affadavits relating to payments of money to an informant, and you turned these over to the United States Government on a preceding day?

A I don't remember the interviewer so I can't give you an answer.

Q Do you recall receiving a letter on December 18, 1974, from Mr. Puccio?

And may I have this marked for identification?

THE CLERK: Mark Government's Exhibit 75 for identification.

(So marked for identification.)

Q -- in which you were requested to turn over your Sam Houston affadavits and related papers?

A I received this letter, yes, sir.

Q Following that letter, did you send a letter dated December 20th, 1974, to Mr. Puccio?

May these be marked for identification?

Do you recall offhand?

A Yes, sir.

THE CLERK: One-page letter, marked Government's Exhibit 76, for identification.

(So marked for identification.)

Q Is this the original of that letter that you

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sent to Mr. Puccio?

A (No response.)

Q On December 20th?

A Yes.

Q In your letter to Mr. Puccio, you told him that you needed a few days to th ink over about turning over the affadavits?

A I didn't use the words to think it over.

Q Or words to that effect? You want to read it, Mr. Cahn?

A In so far as the affadavits of payment are concerned, I would respectfully request a few days' time. There is nothing --

Q What affadavits of payment were you referring to?

A The affadavit of payments of Charles Spahr, Joe Spinnato and mine.

Q Relating to Sam Houston?

A Nothing about thinking it over.

Q You requested a few days?

A Yes.

Q Four days later, the documents were -- disappeared or were stolen from you in a Washington, D.C. airport or the airport men's room?

A After showing them to my attorney, Mr. Hundley, him photostating the originals on the following morning, I told you what happened, yes, sir.

Q Did you leave the originals with Mr. Hundley?

A No, he photostated the originals and gave them back to me.

The next morning my entire attache case was stolen.

Q Didn't you make any photostats of these documents before you went to Washington to see Mr. Hundley?

A Yes.

Q Did you consider the photostatic copies down with you when you went to see Mr. Hundley rather than the originals?

A I wish I had, I guess I didn't.

Q A mistake on your part?

A No, it wasn't a mistake. Everyone has 20/20 vision, hindsight.

MR. DRUKER: I am going to offer into evidence a copy of the subpoena, the December 18th letter and the December 20th letter.

MR. BOGIN: No objection.

THE COURT: They may be marked.

MR. DRUKER: The subpoena hasn't been marked yet.

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THE CLERK: Government's Exhibit 75 and 76 marked in evidence and subpoena marked Government's Exhibit 77 in evidence.

(So marked in evidence.)

MR. DRUKER: May these be circulated to the jury, your Honor?

THE COURT: Yes.

MR. DRUKER: May I have one moment, your Honor?

THE COURT: Yes.

(Pause.)

Q Mr. Cahn, you heard Mr. Christ testify that the county standard for reimbursement was one of totality and necessity, do you recall that?

A Yes.

Q Would you agree without going through all the claims that ordinarily your hotel rooms would be substantially more than those of the Assistant District Attorney or police officers accompanying you?

A With the approval of the county executive and the county comptroller.

Q In other words, yes?

A (No response.)

THE COURT: Yes.

Q It was with that approval in advance?

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A Yes, in advance with the county executive, yes.

Q Sometimes you would have an eight-five dollar, one-hundred dollar, one-hundred and fifteen dollar suite while traveling on county business?

A I don't recall any one-hundred-and-fifteen dollars a day.

Q How about the Diplomat Hotel?

A That was for five rooms, Mr. Druker. Five rooms.

Q Five rooms?

A A hundred-and-fifteen dollars, that included four other people. Five rooms.

Q I think you made that point.

A I'm glad I did.

Q How about the eight-five dollars a day in San Francisco?

A That was a single suite.

Q One room?

A Two rooms for me.

Q Two rooms, one person?

A That is correct.

Q Did you feel that was an actual and a necessary expense on behalf of the county?

A Under the circumstances, for that particular

time, for the county of Nassau, and with the approvals I had, yes, or I wouldn't have submitted it.

Q Isn't it a fact that both Mr. Roncalo and Mr. Christ told you to cut down on your expenses and you told them, "Try to stop it?"

A Absolutely not.

Q It never happened?

A Never happened.

One time -- I'm sorry -- one time in reference to grand jury expenses when we took them out to dinner.

Q And about travel?

A Never happened.

Q Do you recall Ron Briggs? He testified here, he was with the Arizona County Attorneys Association.

A Yes.

Q Do you remember having a conversation with Mr. Briggs while driving out to Scottdale or wherever the hotel was?

A It's a long drive. I am sure we had a conversation. Can you specifically tell me about what?

Q Do you recall telling him you were the highest paid district attorney in the United States?

A No, I don't recall, but I think at that time I was.

Q Do you recall Mr. Briggs saying to you, boy, they must have a lot of respect for me to pay you whatever the salary was you told him you were getting?

A I don't remember him saying that. I certainly hope they had a lot of respect for me.

Q Do you recall your answer: "No, they are just scared stiff of me," do you recall that?

A Absolutely not.

Q When you travel from time to time on NDAA business, on conventions, you have registration fees, is that correct?

A Yes.

Q Back at least in 1971 or so, weren't the registration fees fifty dollars?

A I don't know.

Q For an individual, and sixty-five dollars for a hunsband and wife, do you recall?

A No.

Q Showing you Government's Exhibit 64 in evidence, do you recognize this as being your original claim to Nassau County relating to the Hawaii Convention in March of 1971?

A The original?

Q Yes, sir.

A It appears that way, sir.

Q And with regard to the claim that you submitted to the county for your hotel room at the Sheraton Surf Rider, that was not an original or even a tissue copy, was it, Mr. Cahn?

A What they gave me.

Q They gave you a xerox copy with no name on it?

A Yes.

Q Who gave that to you?

A The clerk at the Surf Rider Hotel.

Q He handed you a xerox copy with no name on it and you paid him however many hundreds of dollars on there, is that your testimony?

A Yes.

Q And you had no idea that it was George Popademus (phonetic spelling) room bill you were submitting to the county?

A I had absolutely no idea who George Popademus was.

Q Hadn't you arranged to get a complimentary suite at the Sheraton?

A At the beginning, yes.

Q Didn't you know your suite was going to be complimentary?

A No.

Q When you checked out, didn't you know that your room was going to be complimentary or was complimentary?

A Mr. Druker, you have a letter from Mr. Healey in your file, please?

Q Mr. Cahn, answer questions.

A It would refresh my recollection.

THE COURT: If you can't answer, say you can't answer without refreshing your recollection.

Q You are referring to a letter that was testified about early in your direct examination, right?

A Yes, I would like to see the letter if you have it, sir.

MR. DRUKER: Do you have it, Mr. Bogin?

Your Honor, Mr. Cahn's attorney is looking for the letter.

Q Mr. Cahn, you are referring to a letter dated February 12th, 1971?

A Yes, I am.

Q In that letter Mr. Healey tells you you're going to get a complimentary booking with Wheaton, the travel agency --

A And stay at the Surf Rider?

Q You stayed there, didn't you?

A Yes.

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Q You were booked there by Wheaton?

A No.

Q You're sure of that?

A Absolutely positive.

Q You heard Mr. Huganoga testify that the rooms were booked through the Wheaton Travel Agency?

A Not my room.

Q It's your testimony that ATS booked it?

A No, that I booked it. ATS took care of the booking of the trip with the exception of the hotel room at the Surf Rider which we had to assume ourselves.

They did not -- we did not have anything with that trip except take a deposit for the registration.

Q Who arranged your hotel room?

A I did.

Q Whom did you call to do it?

A The National District Attorneys Association. As a matter of fact, Mr. Druker, you asked me about my friend on that trip.

Q My question is, whom did you call, and your answer is, I think, the National District Attorneys Association, is that right?

A That's right.

Q You know whether the National District Attorneys

Association used Wheaton Travel Agency or some other travel agency to book your room at the Sheraton?

A I have no idea as to whether or not they used anyone whatsoever to book my room at the Surf Rider Hotel. No one whatsoever.

Q You didn't expect the National District Attorneys Association to get you a complimentary room?

A On February 12th, 1971, if the prerequisites were followed, yes; since they weren't followed, no.

Q Mr. Cahn, showing you Government's Exhibit -- this is another part of the exhibit -- 64A in evidence, showing your room bill, does it surprise you to see here under Mr. Cahn, Mr. and Mrs. William, NDAA, the entry Wheaton Travel?

A No, it wouldn't surprise me. Why would it?

Q In light of Mr. Healey's letter, didn't he tell you on February 12th, 1971, that if you booked through Wheaton and stayed at the Surf Rider you had a complimentary suite?

A That is correct.

When you talk of booking your travel, you're talking about booking your air fare from New York to Honolulu and return and hotel room. That did not happen. The booking of the hotel room through the National District Attorneys

Association was completely unknown to me, Mr. Druker.

Q That came as a big surprise to you even when you found out the bills you attached to the claim was somebody else's?

A The first time it was somebody else's bill was in the grand jury when you told me.

Q That came as a surprise?

A That came as a complete shock to me.

Q And similarly, did it come as a shock to you when you first apprised, whether in the grand jury or elsewhere, that your travel agency records showed you only paid $395 for that trip to London in November 1971?

Did that come as a surprise or shock to you?

A Not in the grand jury, it didn't.

MR. BOGIN: May I interrupt? I think the defendant has been cross-examined on this subject once before. I think this is repetition of what already transpired.

THE COURT: I think you are going over the same ground, and I will sustain the objection.

Q Mr. Cahn, this jail case you testified about, who was the investigator hired by you or the county to --

A Hal Lipsik Investigation.

Q Out in San Francisco?

A Yes.

Q He is a good friend of yours, isn't he?

A He has since become a good friend of mine, yes.

Q You socialize with him, have dinner with him when you are out in San Francisco?

A When I had dinner, it wasn't socializing, it was professionalizing.

Q You were aware that Nassau County paid Mr. Lipsik $155,000, give or take a few dollars, for his part in that jail investigation, aren't you?

A I don't know exactly how much was paid over the two-year investigation.

Q Didn't you have to approve all of his claims?

A Yes, but I didn't add them up.

May we have a sidebar, your Honor?

THE COURT: Yes, just a minute.

Q I will show you --

THE COURT: What is the question?

Q -- as to whether or not a hundred-and-fifty or a hundred-and-fifty-five thousand dollars --

THE COURT: Is it all in one place or do we have to add it up?

MR. DRUKER: It has to be totalled. It's only a dozen.

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THE COURT: Come to the sidebar.

(The following took place at sidebar.)

THE COURT: Let me see these.

MR. CAHN: My purpose is the relevance of the cost of the investigation or the result of the investigation, what is the relevance to these charges?

THE COURT: It's a little odd for a witness to call a sidebar. I know you are acting pro se with Mr. Bogin.

MR. BOGIN: I accept Mr. Cahn's request.

MR. DRUKER: Your Honor, it's the Government's contention Mr. Cahn has offered evidence of a good motive in his double billing, that of paying an informant. It's the Government's intention, and we intend to have some rebuttal, that Mr. Cahn is a heavy gambler and both the double billing and the jail investigations were means of generating cash to pay off his gambling losses. I intend to say gambling losses generate individual close friendships of Mr. Cahn.

That is the extent of the inquiry.

MR. CAHN: Unless there is an offer of proof that I got one single penny of that money, I suggest that the amount or the result of the investigation is totally irrelevant and highly prejudicial.

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MR. BOGIN: This entire subject is irrelevant.

MR. CAHN: I don't care how much Mr. Lipsik received -- a friend of mine received -- unless Mr. Druker is ready to prove I got one penny of that money.

MR. DRUKER: I will ask you about it, Mr. Cahn.

MR. CAHN: It's highly irrelevant and highly prejudicial.

MR. DRUKER: You can remind the jury if you want that questions are not evidence.

MR. BOGIN: It would be prejudicial.

THE COURT: Apart from paving the ground for rebuttal, what other relevancy does it have?

MR. DRUKER: That is it. Aside from just showing that Mr. Cahn didn't care one hoot about saving Nassau County any money --

MR. BOGIN: That is only marginally relevant.

MR. DRUKER: May I finish, Mr. Bogin?

He testified that he was saving the county eighteen-thousand or nineteen-thousand dollars with this device, getting outside organizations to pay his expenses. I want to show here is a tremendous amount of money with his knowledge that was going down the tubes that he didn't care about saving the county

money.

THE COURT: A dozen people in jail for two years could cost. You can have it marked for identification now, and indicate copies of claims, but I am not going to give the jury the amount. It does look like a hundred-and-fifty thousand dollars.

MR. CAHN: The total is irrelevant.

THE COURT: Have it marked for identification.

(The following took place in open Court.)

THE CLERK: Set of documents marked Government's Exhibit 79 for identification.

CROSS-EXAMINATION

BY MR. DRUKER (CONTINUING):

Q Mr. Cahn, who is Mr. Martin Massell, M-a-s-s-e-l-l?

A He is a former Assistant District Attorney until a number of years ago, and he is since in private practice and I now, since January of 1975, rent a single office from him in a very small suite.

Q He has gone on a number of trips with you in the last four or five years, hasn't he?

A In the last four or five years?

Q Yes, sir.

A Yes, I would say approximately five.

Q To Europe?

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A Social trips to Europe for him, yes.

Q Social trips, wasn't it supposed to be a District Attorneys Training Seminar?

A I said social trip for him.

Q Oh.

He went to Las Vegas with you back in April of 1974?

A Yes.

Q He went to Vegas and other places with you at other times in the last three or four years, is that right?

A Perhaps on two other occasions in the last four years or five years that took place, yes.

(Continuext next page)

SS#3pm fw fg MP

Q Did he have any role in this jail investigation?

A Yes.

Q Was his role that to be a liaison with these inmates in the jail and act ostensibly as their attorney?

A Yes, sir. When you talk of the inmates, you're talking of the undercover agent inmates?

Q Right.

Do you know how much Mr. Massell got out of this matter?

MR. WILLIAM CAHN: Object as irrelevant.

THE COURT: That's under the same ruling. I'll sustain the objection. The objection came from the witness instead of from Mr. Bogin, but since Mr. Cahn is acting pro se as a lawyer, I'll take it as a valid objection.

MR. BOGIN: Might I for the record state the objection.

Q When you hired Mr. Lipset were you aware he had been convicted the year before of illegal bugging hotel rooms in New York City?

MR. BOGIN: That's an objectionable question.

THE COURT: It may have a bearing. I'll let him answer it.

A Well--

Q Yes or no.

A I can't answer it yes or no because the question is wrong.

THE COURT: Give your answer.

Q Go ahead.

A To the best of my knowledge he was under indictment in New York for allegedly aiding with an improper bugging device.

Q He was convicted on that, wasn't he?

A He pleaded guilty to a misdemeanor, yes.

Q That's a conviction, isn't it?

A Yes, it is.

Q So the answer is yes? Right?

A Under--

THE COURT: He was entitled to give an explanation to that.

Q This is the individual that you selected to handle this jail investigation for you, right?

A Absolutely.

Q Did you get any of the proceeds out of that jail investigation yourself?

MR. BOGIN: Objection.

A Not one single dime.

THE COURT: Overruled.

A Not one single dime.

Q From either Mr. Lipset or Mr. Massell?

A Not one single dime from Mr. Lipset or Mr. Massell.

Q Mr. Cahn, you testified that regarding that complimentary hotel room from the Dunes in Count 46, you had a conversation with Mr. Heelan from the NDAA about it.

A Yes.

Q You told Mr. Heelan you were getting a complimentary room, "That's o.k., you can charge us for it anyway."

A That was the general tenor. I told him who was arranging the rooms and it would probably be complimentary and would it be all right or words to the effect would it be all right to bill the NDAA for the hotel room. He said yes.

Q When Mr. Heelan was here you asked him about that conversation and he testified, did he not, that he didn't recall it?

A That's correct.

Q He was mistaken in that regard, I take it.

A No, he's not mistaken. He didn't recall it. That's not a mistake.

Q But it did take place?

A The conversation?

Q Yes, sir.

A Yes, sir; it did.

Q With regard to Mr. Spinnato's signature which you placed on a check in Count 39, or Government's 39A, you testified about a conversation that you had where you told Mr. Spinnato this or you asked his permission and he said "Sure, go ahead, but I'll indict you afterwards," something to that effect?

A Yes.

Q You heard Mr. Spinnato testify, right, and he didn't recall that conversation.

Did it take place, Mr. Cahn?

A Certainly.

Q Do you recall Mr. Ron Briggs? He testified here a couple of days ago and you recall asking him about a conversation when you were traveling in the car and you had said to him something to the effect that you were out there on County business.

A We talked of that, yes.

Q Mr. Briggs didn't recall that conversation, right?

A Yes.

Q Did it take place, Mr. Cahn?

A Yes, sir.

Q You're sure of that?

A Yes, sir.

Q You testified about a conversation that you had with Arnold Tolkin or several conversations, in early 1975, I believe, and in one of them regarding the London trip in 1971, Mr. Tolkin said to you, "Bill, we did wrong. You did pay for the trip. We're tearing up your check. Please accept our apologies." Something to that effect.

A I don't know that he apologized. Maybe he did. That took place at the Westbury Manor Restaurant in January of 1975.

Q You're sure of that?

A Yes, sir.

Q You remember Mr. Bernard Hoy testified here a few days ago or last week? And you asked Mr. Hoy about a conversation that took place out in Los Angeles in which I think you asked him if he recalled your telling him that he was out there on county business?

A Yes.

Q You're sure that conversation took place?

A To the best of my recollection, Mr. Hoy confirmed that.

Q You're sure of that?

A That he confirmed it?

Q That the conversation took place?

A Yes, I think he testified that it took place at a luncheon or at lunch.

Q You testified about the conversation that you had with Angelo Roncallo, the former Comptroller of Nassau County, back in January, 1971, right, and you laid out in general or specific terms your intentions to do what you're now charged with having done; right?

A No, Mr. Roncallo said I gave him a hypothetical and I think Mr. Roncallo was right.

Q Mr. Roncallo testified, did he not, that he said something to the effect, "I don't care when it's your money, what you do with it is your business." Didn't you correct him and say, "No, Mr. Roncallo, I'm considering this to be County money when I do it, so you should care what I do with County money"? Did you say anything to that effect?

A He didn't say it in the manner you suggested to this jury.

Q Did he say it in the manner that he said to this jury that he said it in?

A (No response)

Q Did he accurately describe to this jury the

conversation as you recall it?

A No, he did not.

Q He did not. O.K.

You're sure that it took place the way you recall it, right?

A Yes, sir.

Q Mr. Theodore testified, did he not, that you came to him and Mr. Tolkin sometime last year and tried to get them to go along with something that wasn't true, regarding the payment of the London 1971 trip, right? You heard that testimony?

A Yes, sir.

Q You recall that conversation differently?

A He wasn't even there.

Q He wasn't present?

A He wasn't in the room when I had the conversation with Mr. Tolkin. He was not in the room.

Q You recall it just talking with Mr. Tolkin, right?

A Yes, sir.

Q You're positive of that?

A I'm positive of it.

Q Did you ask Mr. Tolkin to go along with the false story when he came in here?

A Absolutely not.

Q To support you?

A (No response)

Q To support you in your contention before this jury.

A Absolutely not.

Q You're positive of that?

A I'm positive.

MR. DRUKER: No further questions.

MR. BOGIN: Might we have a short recess.

THE COURT: We'll take a short recess before the redirect.

The jury is to go back to the jury room and don't talk about the case.

(The jury leaves the courtroom.)

THE COURT: Will there be redirect?

MR. BOGIN: A few questions.

(The jury enters the courroom.)

REDIRECT EXAMINATION

BY MR. BOGIN:

Q Mr. Cahn, just a few questions: Do you recall Mr. Druker inquiring from you about having been served with a subpoena on November 21, 1974?

A Yes, I do.

Q Could you tell us where you were on November 21, 1974?

A Somewhere in the Caribbean, on the NORDIC PRINCE, on a trip booked by Mr. Tolkin. I didn't return until November 30th.

MR. BOGIN: Mr. Druker, do you have that letter?

MR. DRUKER: I think the jury has it.

It was offered into evidence, stated no objection, and duly admitted into evidence and the jury now has it.

MR. BOGIN: If we can find it.

Might we take a short moment to find it, your Honor?

THE COURT: Yes.

(Pause)

MR. CAHN: We have a copy.

MR. DRUKER: I have no objection to a copy.

Q Mr. Cahn, I show you a copy of Defendant's Exhibit-- I'm sorry, I show you a copy of a letter dated December 31, 1974, which I'll now ask to be offered for identification (handing to clerk).

THE CLERK: Defendant's Exhibit O for identification.

(So marked)

MR. BOGIN: Can it be stipulated if there's no objection to the introduction of that letter.

MR. DRUKER: I'll have to take a look at it first before I decide whether I have an objection or not.

MR. BOGIN: I'll show this to Mr. Druker.

(A document is handed to Mr. Druker)

Q Can you identify this letter, Mr. Cahn?

A Yes, I can.

MR. DRUKER: I have no objection with one exception, which I would like to raise at side bar.

THE COURT: Very well.

(Side bar)

MR. DRUKER: Your Honor, with regard to the letter itself, I have no objection. With regard to the second page, that's a date stamp on this letter. This stamp, it's the Government's view that somehow we got snookered on these things, delivered later than purported to be.

I can't prove it or make no such contention. It's probably the defendant's view this date stamp was put on intentionally by the Government personnel in order to mislead a jury or anybody else later on.

I don't think, since either of us can really prove anything regarding that date stamp, it's probative of anything or relevant. I would ask that be excluded. I have then no objection.

MR. CAHN: We have evidence this letter with the enclosure were hand delivered to Mr. Druker on December 31, my last day in office.

Now, we have a date stamp of February 9th -- February 24, 9:03 a.m. after my testimony before the grand jury.

If Mr. Druker is guessing my intentions, that's up to him, but I submit that the date stamp and the letter--

MR. DRUKER: What relevance?

MR. CAHN: If you're accusing me of deliberately trying to get a witness to lie, I can deliberately accuse you of trying to deceive this jury and any other grand jury.

THE COURT: He didn't offer it. I don't understand what the relevance is.

MR. DRUKER: I submit it has none, and we're making no contention regarding it.

THE COURT: Wait a minute. What's the relevancy of it?

MR. CAHN: A deliberate attempt on the part of the Government to thwart this investigation, to hide from the grand jury and to this jury the times when Mr. Druker knew that the list of moneys was inaccurate and in reference to all of the other exhibits that came in with the letter to Mr. Puccio and the service of the subpoena.

MR. DRUKER: I submit it has no relevance, your Honor. All it does then is create a situation where the Government gets up, says the defendant snookered us, the defendant gets up, says the Government tried to snooker us. No. 1, not relevant. No. 2, it's extraneous.

MR. CAHN: It's not extraneous. It's entirely relevant if the Government is hiding evidence in the case.

MR. DRUKER: We produced this for you at the last trial. We made the Xerox which you now have.

MR. CAHN: You haven't found the originals.

MR. DRUKER: It was a defense exhibit at the last trial when the Government produced it.

THE COURT: I don't think you can give any testimony, Mr. Cahn, as to when it got on there or what the significance is.

MR. CAHN: I can only testify--

THE COURT: The stamp was on the back of the original.

MR. DRUKER: It was.

THE COURT: It's part of the documentation.

(In open court)

THE COURT: Let it be marked.

THE CLERK: Defendant's Exhibit O marked in evidence.

(So marked)

Q Mr. Cahn, I show you Defendant's Exhibit O, marked in evidence. Would you kindly read the contents to the jury.

A It comes from the office of the District Attorney of Nassau County with the address, dated December 31, 1974, Mr. Druker, Assistant United States Attorney, 225 Cadman Plaza East, Brooklyn, New York.

"Dear Mr. Druker:

"Enclosed please find affidavits of payment to my confidential informant known to me by the name of Sam Houston, which I signed, and at appropriate times affidavits of Assistant District Attorney Joseph Spinnato and Assistant Chief Inspector Charles Spahr of the Nassau County Police Department.

"Enclosed also please find list, which, to the best of my knowledge reflects moneys received from the National District Attorneys Association, the National College and committees on which I served during my association with the National District Attorneys Association. The list is not accurate.

"Please be further advised that these affidavits and lists are my personal records, since they involve a personal informant to whom I pledged that no County records of any kind would be made in order to insure that his identity would be protected. Therefore I am taking these records with me.

"If there is any further information which you desire, please do not hesitate to call upon me.

"Very truly yours, WILLIAM CAHN, District Attorney."

Q Mr. Cahn, do you know how and when that letter was delivered to Mr. Druker?

A Hand delivered to Mr. Druker by John Larning on the afternoon of December 31, 1974.

Q Do you know the enclosures reflected in that letter were contained in it?

A The affidavits and a list of moneys received.

Q Will you turn the letter over, please. Do you

see a date stamp on the back of that letter?

A Yes.

Q What does that evidence to you?

A Received, United States Attorney, February 24th, 9:03 a.m., '75, Eastern District, New York.

Q What is the significance of that date to you, Mr. Cahn?

A That it's totally incorrect.

MR. BOGIN: I have no further questions.

RECROSS EXAMINATION

BY MR. DRUKER:

Q May I see the letter for a moment, Mr. Cahn?

A (Said document handed to Mr. Druker by the witness.)

Q I want to go back to the third paragraph, this says, "Please be further advised these affidavits and lists are my personal records since they involve a personal informant to whom I pledged no County records of any kind would be made in order to insure his identity would be protected; therefore I am taking these records with me." Is that right?

A That's correct.

Q Isn't it a fact then you considered the funds to be personal funds?

A No, not the funds, the records.

Q You're not stating, are you, that-- Withdrawn You sent enclosures with this letter, did you, Mr. Cahn?

A That's correct.

Q Are you contending now that you sent originals to the United States Attorney's office?

A By no means, sir. The originals were lost December 24th, 1974.

Q You sent copies, right?

A That's correct.

Q Copies of the affidavits, copies of a list which you made up back then, right?

A Copies of the affidavits?

Q And copies of a list, also, right?

A List of moneys received, yes.

Q Which is not accurate and not complete, right?

A That's correct.

Q And there were items on that list that do not appear on this chart, right?

A That's correct.

Q And there are items on this chart which don't appear on the list?

A That's correct.

Q And there are originals of nothing in there;

is that correct?

A There were originals of nothing.

MR. DRUKER: No. 1, based on that and the earlier testimony I'm going to ask the chart be taken away. No. 1, it's not in evidence. No. 2, the testimony has now established, I think, the chart is inaccurate as to the figures.

THE COURT: The chart is introduced as a summary of evidence, that was marked up as the evidence came in. I don't think it need be in front of the jury while they are hearing other issues and other testimony. It is subject to your making any corrections on it, but I'll allow it. It has no number on it at the present time but if the defense wants to --

MR. BOGIN: I would like to let it be received in evidence as your Honor has described it and subject to the jury's recollection.

THE COURT: What is sometimes done with it, with a large document like that, is to make a reduced copy, a photograph that can be used.

MR. BOGIN: I don't know if we have the photographs.

MR. NEIL CAHN: Would you like me to prepare

a smaller version of this?

THE COURT: As you think best. It may be marked as an exhibit. It will be an exhibit in evidence, but it will be an exhibit which, like testimony, the jury may accept or reject or accept in part.

MR. NEIL CAHN: Your Honor, I am not one hundred percent positive of any of these three figures. I think some of them may be off a few dollars. I would like to get it back to an adding machine, check it out, if there are any changes, to work it out.

THE COURT: The adding machine is like a computer, it's not right if the answers aren't right.

MR. DRUKER: Might this be circulated to the jury along with the other exhibits.

THE COURT: Yes.

MR. BOGIN: Any further recross?

MR. DRUKER: No.

MR. BOGIN: I have further questions.

THE COURT: Wait a minute.

THE CLERK: The chart is Defendant's P in evidence.

(So marked)

REDIRECT EXAMINATION

BY MR. BOGIN:

MR. BOGIN: Might I circulate these affidavits and the other defendant's exhibits to the jury now, if your Honor please. These are Defendant's C, the affidavits of case sheets.

THE COURT: It's a lot for them to read.

Give it to Mr. Montgomery, No. 7. He can circulate them the other way while Juror No. 1 works this way.

MR. BOGIN: We have no further questions, sir.

THE COURT: Any other witness available?

MR. CAHN: Unfortunately no, your Honor.

THE COURT: Let me explair to the jury.

We were uncertain yesterday whether the cross-examination of Mr. Cahn would take the whole of the day. I tried to insist with the Government that they always have a backup witness. It's a little harder for defendants to control their witnesses, and I think under the circumstances we'll have to take a recess now until the next session, which will be Monday afternoon, at 2:15. We'll sit probably until close to five o'clock. Then I think we'll go over until Wednesday morning.

You've heard a good deal. Your recollection of what you heard should be as good as or better than the recollection of the people on the witness stand as to what they said and did.

Keep it in mind, but don't talk about the case amongst yourselves and during this period at home don't talk about it.

If there is anything in the newspapers or on the radio, on television, pay no attention to it. Just turn it aside.

Don't talk at all to the people in the courtroom if you see them as you go or as you come on Monday morning.

It is important that this case be decided on the evidence brought into the courtroom. I'm trusting you to follow that instruction. Thank you. You're excused. You can go into the jury room, stay as long as you want to look at the exhibits. If you don't want to look at them, you can go and look at them next week. The Clerk will pick them up when you've all gone.

Just a couple of things for counsel.

(The jury leaves the courtroom.)

THE COURT: Can I get a little timetable from here on? How long do you expect the rest of your

case to be, Mr. Cahn?

MR. CAHN: It's entirely possible, your Honor -- It's entirely within the realm of possibility we may finish Monday afternoon.

THE COURT: Then if the Government has one day's rebuttal, that may finish--

MR. DRUKER: No more than one day and probably considerably less, your Honor.

THE COURT: We need a little time to get ready on the charge. Mr. Neil Cahn has broken down the false statement count into eight subdivisions. I'm not going to charge eight elements. I think three elements, false statement, knowledge and LEAA involvement in some language about it should cover it. There's a lot more which I have not analyzed and have to hear Mr. Druker's views on it, too, before I decide anything.

MR. NEIL CAHN: The breakdown of the elements is not saying there had to be eight elements, but the thoughts that I had on what went into one element that you might be considering, that there are indeed several facets to even three elements that could be considered or spoken about by your Honor.

THE COURT: I haven't heard of any threats or outside influence on the jury. I'm not sure

whether it's the view of the defendant that they should be sequestered over night.

MR. CAHN: This has never been our view.

THE COURT: That was your view?

MR. DRUKER: Yes, your Honor.

THE COURT: You may be looking forward to it, I don't know.

MR. CAHN: Your honor has already advised them that that would be a possibility, depending upon when they go out. I don't know that I would have objection to them being sequestered. I don't know.

THE COURT: It may be a good idea. I'll try to make plans for it. It might be Thursday night if we finish the summations. You should be able to finish the summations, finish that and the charge in one day if we're ready to proceed Thursday morning.

MR. CAHN: I would like that, your Honor.

MR. DRUKER: I would think at the outside, your Honor, the extreme outside, the Government's summation would be an hour and a half. I expect probably more likely an hour.

THE COURT: We might finish both summations in the morning and the charge in the afternoon.

With respect to the form of verdict, this is

a little more difficult than setting up the ordinary form. I don't know how much should be put in with respect to these forty-six counts that are set up in the indictment. Maybe if I just gave the count number, the itinerary and the organization, probably also has to have the date of mailing, because they are familiar with the dates of the testimony, that would be enough. I'll try to draft something.

MR. DRUKER: One minor technical point: A couple of the counts, like 40, 42, and 43, they are based on the same documents which are in a couple of counts in 1 through 10. I don't know if I should duplicate the documents and mark them accordingly.

THE COURT: Let's not have more documents.

MR. DRUKER: Would it be possible on the form of verdict or someplace they know--

THE COURT: Maybe I'll cover it in the instructions. We'll see. I have to give some different instructions on Counts 1 and 2 when there is a claim of repayment to the County; where there was a repayment to the County, and on some others. I may cover that, too.

MR. NEIL CAHN: If possible, we would like to get a copy of the Government's Exhibits in evidence which we did not receive in discovery.

THE COURT: See if you can make copies of exhibits that have not already been delivered, Mr. Druker.

MR. NEIL CAHN: If necessary, I'll come in tomorrow afternoon to get them.

MR. DRUKER: That would be 47 on?

MR. NEIL CAHN: I think so. I don't think there are any additions.

(A recess was taken to Monday, May 16, 1976.)

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MAY 21 1976
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P.M.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

1384

----------x

UNITED STATES OF AMERICA, :

-against- : 75-CR-645

WILLIAM CAHN, :

Defendant. :

----------x

United States Courthouse
Brooklyn, New York

May 17, 1976
2:00 o'clock p.m.

B e f o r e :

HONORABLE ORRIN G. JUDD, U.S.D.J.

I hereby certify that the foregoing is a true and accurate transcript from my stenographic notes in this proceeding.

Ilene Ginsberg

Official Court Reporter
U. S. District Court

ILENE GINSBERG
OFFICIAL COURT REPORTER

Appearances:

DAVID G. TRAGER, ESQ.
United States Attorney
for the Eastern District of New York

BY: JAMES DRUKER, ESQ.
-and-
PETER GOLDMAN, ESQ.
Assistant U.S. Attorneys

WILLIAM CAHN, ESQ.
Pro Se

-and-

NEIL CAHN, ESQ.
-and-
HAROLD BOGIN, ESQ.
Attorneys for Defendant

AFTERNOON SESSION

THE COURT: If you think you are going to make progress this afternoon I will run over til Wednesday, if that's what everybody wants. Mr. Cahn, is that best?

We were through at noon today instead of 1:30.

MR. CAHN: I don't think that tomorrow afternoon -- it might or might not present a problem. I planned that we weren't going to sit until Wednesday morning, but can we discuss it later on today?

THE COURT: Let's see if -- see how we stand at the end of the afternoon.

We will bring in the jurors now.

(Jury in.)

THE COURT: Good afternoon, ladies and gentlemen, I am glad that nothing happened over the weekend to reduce our numbers.

Mr. Cahn, we are on the defendant's case now. You may call your next witness.

MR. N. CAHN: Judge Delin.

THE CLERK: Step up, please, and raise your right hand, please, sir.

R I C H A R D C. D E L I N, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Can we have your name, please?

THE WITNESS: Richard C. Delin.

THE COURT: You may go ahead, Mr. Cahn.

MR. N. CAHN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. N. CHAN:

Q Judge Delin, what is your present occupation?

A I am a county court judge of Nassau County.

Q And would you tell the Court and jury a little bit about your background?

A Well, I was admitted to the Bar in 1953. I was an Assistant District Attorney in the office of Mr. Cahn. I became an assistant in 1957.

While an Assistant District Attorney, I was chief of the Complaint Bureau, chief of the Indictment Bureau, chief of the Racket Bureau, chief of the Homicide Bureau, and for the last six and a half years, I was chief assistant and acting District Attorney.

In 1970 I was appointed to the Family Court of Nassau County, and I served until January 1, 1974, when I was elected to the County Court, the position I now occupy.

Q You know the defendant William Cahn?

A Yes, I do.

Q And you have known him for approximately how

long?

A 14 years.

No, it's longer than that, I was with him for 14 years.

Q Over that period of time have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A Yes, I have.

Q Do you know what that reputation is?

A Excellent.

MR. N. CAHN: No further questions.

MR. DRUCKER: The Government has no questions.

THE COURT: All right, you are excused.

Thank you, Judge Delin, for coming.

(Witness excused.)

MR. N. CHAN: Mrs. Kaplan.

THE CLERK: Would you raise your right hand, please?

H E L E N K A P L A N, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK; Will you state your name, please?

THE WITNESS: Helen Kaplan, and the Kaplan is with a K.

THE COURT: Be seated, please.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Mrs. Kaplan, what is your present occupation?

A I am executive director of the Association for the Help of Retarded Children in Nassau County.

Q And how long have you been involved with that organization?

A Im a founder. 27 --

Q Do you know how long?

A -- years ago, together with a few other people. We thought the retarded were treated very badly. We formed an organization in that county, and we also formed the State Association, and for about 13 years I was a fulltime volunteer, and then took on the assignment I have now.

Q Do you know William Cahn?

A Oh yes.

Q Approximately how long do you know him?

A 10-12 years.

Q And how did you come to know him?

A Well, the retarded children occasionally get into trouble, and most of the time, not through any fault of their own but because they have been used, and the Distrit Attorney's Office has a great deal to do with how that is

handled.

And I went there, and I have been in courts, and I found that when Mr. Cahn was District Attorney he was always more interested in justice to these children and adults.

MR. DRUCKER: Your Honor, if I may, aren't we going a bit beyond ordinary character reference?

THE WITNESS: I was asked a question, I'm sorry, and I'm just answering it.

THE COURT: The real question is the circumstances in which you know him.

THE WITNESS: Well, it was in those circumstances that I came to know him, working with the retarded who got into the courts and got into trouble.

Q In the course of these 10 or 12 years, have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A Yes, we have a very big organization, a great many lawyers, as a matter of fact some 7500 people, families, and they all think very well of him.

Q Do you know his reputation for truthfulness?

A I'll accept his word for anything.

MR. N. CAHN: No further questions.

MR. DRUCKER: No questions.

THE COURT: All right, you are excused.

(Witness excused.)

MR. N. CAHN: Judge O'Connor.

J A M E S A. O' C O N N O R, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Can we have your name, please?

THE WITNESS: James A. O'Connor.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Judge, would you tell us your present occupation?

A I just retired as Saratoga County Family Court Judge last month. At the present time I guess, I'm a lawyer.

Q Would you tell us a little bit about your background?

A I graduated from Union College in 1941, was in service. After service I went to Albany Law School, graduated from Albany Law School in 1947. I was appointed as an Assistant District Attorney in Saratoga County January 1, 1950, held that office until January 1, 1961, at which time I was appointed by the Governor as District Attorney of Saratoga County, held that office until -- through 1968, and

on January 1, 1969 I became Saratoga County Family Court Judge.

I retired last month.

Q Do you know the defendant William Cahn?

A I;ve known the defendant William Cahn since 1950. We were both appointed Assistant District Attorneys the same year.

Q And you have known him for the past 25 years or so?

A Approximately, yes.

Q In that 25-year period have you had occasion to discuss Mr. Cahn's reputation for truthfulness in the community?

A Yes, I have.

Q Do you know that reputation?

A Excellent.

MR. N. CAHN: No further questions.

MR. DRUCKER: No questions.

THE COURT: Thank you, Judge.

(Witness excused.)

THE CLERK: Would you step up, please, and raise your right hand.

L I L L I A N K O R N A C K I, called as a witness, having been first duly sworn by the Clerk of the

Court, was examined and testified as follows:

THE CLERK: Will you state your name, please?

THE WITNESS: Lillian Kornacki.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Mrs. Kornacki, what is your present occupation?

A I'm a licensed Practical Nurse.

Q And can you tell us a little bit about your background?

A I've been a licensed Practical Nurse for the past 12 years. Presently I am working at the Bayview Nursing Home.

Q And that is where?

A I Island Park, Long Island.

Q Do you know Mr. William Cahn?

A Yes I do.

Q And approximately how long have you known him?

A God -- well, you were just little people. I mean you were really little. I forget how long it's been. I mean you were real little. It's been a lot of years.

Q How have you come to know Mr. Cahn?

A Through the neighborhood and community things that, you know, I'm involved, and the church and mostly my job, you know. He -- I've seen him around the hospital and

the nursing home a lot, frequently, especially the past few months, when he's been visiting his mother a lot.

Q Over this lengthy period of time have you had occasion to discuss Mr. Cahn's reputation for truthfulness with the members of the community?

A Yes.

Q Do you know that reputation?

A Excellent, great.

MR. N. CAHN: No further questions.

MR. DRUCKER: The Government has no questions. Thank you.

THE COURT: You are excused, Mr. Kornacki.

(Witness excused.)

THE CLERK: Would you raise your right hand, please?

S A L V A T O R E R I Z Z I, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Will you state your name, please?

THE WITNESS: Salvatore Rizzi.

THE COURT: You may be seated, Father Rizzi.

THE WITNESS: Thank you.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Father Rizzi, what is your present occupation?

A I am a Roman Catholic Priest. I started in Italy, was ordained priest, I am a priest for 35 years in this coming July.

Actually I am a Chaplain, the nursing home of the Sister of the Poor in Queens Village, New York.

Q Do you know the defendant William Cahn?

A Yes, I do.

Q And approximately how long have you known him?

A I would say about 7 years. Since I was nominated Chaplain of St. Anthony's Society.

And every affair we had, dinner or feast or anything, we used to invite all responsible people of the County of Nassau -- Nassau County, and Mr. Cahn was continuously with us, and I cherish his friendship.

Q Over that 7-year period have you had occasion to discuss with members of the community Mr. Cahn's repuration for truthfulness?

A Absolutely, yes.

Q And do you know that reputation?

A Excellent.

MR. N. CAHN: No further questions.

MR. DRUCKER: No questions.

THE WITNESS: Thank you.

THE COURT: Thank you, Father.

(Witness excused.)

THE CLERK: Would you raise your right hand, please?

D O N A L D S U L L I V A N, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Would you state your name, please?

THE WITNESS: Donald Sullivan.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Father Sullivan, what is your present occupation?

A Im currently and have been for 7 years, the president of St. Francis College, which is located here in Brooklyn Heights, New York.

Q And do you know the defendant William Cahn?

A Yes, I first met Mr. Cahn in 1970. At that time our institution took recognition of the -- the District Attorneys for the City of New York, Nassau and Suffolk in our attempt to demonstrate to the public the importance of their position and to identify for all the great work that they do.

Q And generally how have you known Mr. Cahn over

this past 7 years?

A Well, intermittently at best. We have met on a number of occasions, and we share mutual friends and acquaintances.

Q In all this 7-year period have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A Yes, I am -- and most of us who know him believe him to be an honorable, truthful man.

MR. N. CAHN: No further questions.

MR. DRUCKER: No questions.

(Witness excused.)

THE CLERK: Raise your right hand, please, sir.

J E S S I E J A M E S E V A N S, Called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Can we have your name, please.

THE WITNESS: Jessie James Evans.

THE COURT: Please speak loud enough, Mr. Evans, so everyone can hear you.

THE WITNESS: Yes sir.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Reverend Evans, what is your present occupation?

A Minister, Church of Light Baptist Church in Long Beach.

Q Could you tell us a little bit about your background?

A Beg pardon?

Q Could you tell us a little about your background?

A Well, I grew up in the State of Georgia and studied high school there and Divinity School, then to Florida, then to New York.

Q And do you know the defendant William Cahn?

A Do I know him?

Q Yes.

A Yes, I do sir.

Q Approximately how long have you known him?

A I moved to Long Beach in 1942, and we worked together in many charitable organizations from then until.

Q And over this period of time have you had occasion to discuss Mr. Cahn's reputation for truthfulness?

A I don't understand.

Q Have you had occasion to discuss Mr. Cahn's reputation for truthfulness?

A Study in truthfulness? Have I had --

Q Have you had occasion to discuss Mr. Cahn's

reputation for truthfulness?

A No. I have heard other people talk about him. I know the man. I know his reputation, I've studied it. I know him.

Q And you have heard other people talk about his reputation?

A Oh yes.

Q And what is that reputation?

A What is it?

Q AS far as truthfulness.

A What I've heard?

What I've known, you mean?

Q Yes.

A I think he's one of the finest mens that I've ever met.

MR. N. CAHN: No further questions.

THE WITNESS: In the many years that I've known.

MR. N. CAHN: No further questions.

MR. DRUCKER: I have no questions.

THE COURT: All right, step down, Mr. Evans. Thank you.

(Witness excused.)

THE CLERK: Mr. Garaufis.

Raise your right hand, sir.

N I C H O L A S G. G A R A U F I S, called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: Would you state your name, please?

THE WITNESS: My name is Nicholas G. Garaufis.

DIRECT EXAMINATION

BY MR. N. CAHN:

Q Mr. Garaufis, what is your present occupation?

A I am an attorney licensed to practice in the State of New YOrk before this Court and other Federal Courts, and I am a Deputy New York State Attorney General.

Q How long have you held that position?

A I've held that position since June 2, 1975.

Q And what was your occupation prior to that time?

A I was an attorney practicing privately.

Q Do you know the defendant William Cahn?

A Yes, I do.

Q Approximately how long have you known him?

A I met Mr. Cahn in 1964 when I was the New York State Governor of Key Club International, a high school service organization, and Mr. Cahn assisted us in putting

together a program, a mock-trial program on youth and the law, for presentation in high schools throughout the state, to apprise students of their responsibilities under the law.

Q Over that 10-year period, approximately, have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A Yes, especially with my youthful colleagues in the Key Club, and thereafter less frequently. But yes, I have.

Q And do you know that reputation?

A Yes, I do.

Q And what is that reputation?

A Mr. Cahn is considered to be a man of great honesty and integrity.

(Con't on next page.)

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MR. CAHN: No further questions.

MR. DRUKER: No questions.

THE COURT: Thank you.

(The witness is excused.)

MR. CAHN: Mr. Bernstein.

THE CLERK: State your name please.

MR. BERNSTEIN: Richard Bernstein.

XXX R I C H A R D B E R N S T E I N, having been called as a witness, was duly sworn by the Clerk of the Court, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Bernstein; what is your present occupation?

A I am an executive with a wharehouseing firm.

Q Would you tellus a little about your background?

A Yes, most of my life has been spent in the area of business. I owned my own business for 25 years and I am currently with this firm for the last five years.

I am the immediate past president of Temple Emanuel in Long Beach and am currently the chairman of its board of trustees.

Q Do you know the defendant William Cahn?

A Yes, I do.

Q Approximatelv how long?

A 29 years.

Q How have you come to know him?

A Mr. Cahn and I met on our respective honeymoons and that's how Iknow it's exactly 29 years. And we have been close socially and we have been involved in practically all of the charitable drives in the City of Long Beach and the surrounding area.

Q And over that 29 year period have you had occasion to discuss Mr.Cahn's reputation in the community for truthfulness?

A Yes, I have.

Q Do you know that reputation?

A Mr. Cahn's reputation for truthfulness is beyond reproach.

MR. CAHN: No further questions.

MR. DRUKER: No questions. Thank you.

THE COURT: You're excused.

(Witness excused.)

MR. CAHN: Monsignor.

THE CLERK: Would you step up, please, sir, and raise your right hand?

Can we have your name please?

MR. MELTON: Edward L. Melton.

THE COURT: You may be seated, Father Melton.

X XXXXX

EDWARD L. MELTON, having been called as a witness, was duly sworn by the Clerk of the Court, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. CAHN:

Q Monsignor Melton, what is your present occupation?

A I am the administrator at St. Agnes Cathedral, Rockville Center, Long Island.

Q And could you tell us a little bit about your background?

A My background I think as it relates to Mr. Cahn began with the inception of the Rockville Center Diocese in 1957, at which time I was appointed director of health affairs.

In that capacity I also was very active in the Long Island Regional Planning Councils, dealing with the Long Beach area, the rest of Long Island, as well as the county hospitals.

At a later date I was director of Catholic Charities, which in that capacity we had to meet with the officials of both counties and they acted with us in many of our efforts inbehalf of charities for Long Island.

Q In that approximately twenty years have you had occasion to discuss Mr. Cahn's reputation in the community

for truthfulness?

A I wouldn't say that we had discussed it but it certainly was well known.

Q And how did that knowledge come to you?

A Through his dealings with people, his reputation in the community and the responsibilities that were placed upon him by people in Long Island.

Q And do you knowthat reputation for truthfulness?

A Yes. I do.

Q And what is that reputation?

A In my opinion it is beyond reproach.

MR. CAHN: No further questions.

MR. DRUKER: No questions.

(Witness excused.)

THE CLERK: John Langdon.

MR. COHN: Your Honor, can we interrupt this one witness for another, Judge, that just came in?

THE COURT: All right.

MR. CAHN: Judge Roberts.

THE CLERK: Would you raise your right hand?

THE COURT: Step up.

THE CLERK: Will you state your name, please?

JUDGE ROBERTS: Burton B. Roberts.

XXXXXXXX

B U R T O N B. R O B E R T S, having been called as a witness, was duly sworn by the Clerk of the Court, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. CAHN:

Q Judge Roberts, what is your present occupation?

A Justice of the Supreme Court of the State of New York.

Q And could you tell us a little bit about your background?

A I became an Assistant District Attorney in 1949 in the office of Frank Hogan.

I remained Assistant District Attorney in that office for 16 and a half years. I then became a chief Assistant District Attorney in Bronx County in 1966, January of '66.

I became District Attorney of Bronx County in September of 1968, was elected in November of '68, was elected again in November of '71.

In November of '72 I was elected a Justice of the Supreme Court, finished out my term as district attorney on December 31st, 1972, and moved on to the bench in -- on January first, 1973.

Q Do you know the defendant William Cahn?

A I do.

Q Approximately how long have you known him?

A William Cahn was in high school with me at Dewitt Clinton High School.

Both of us graduated from high school in '39. I then met him again as an assistant district attorney when he was an assistant district attorney of Nassau County, and I have known him during that entire period of time, from 1949, 1950, actually, until the present time.

Q In that period of time haveyou had occasion to discuss Mr.Cahn's reputation for truthfulness in the community?

A Yes, I have.

Q Do you have that reputation?

A I do.

Q And what is that reputation?

A Very good.

MR. CAHN: No further questions.

MR. BRUKER: No questions.

THE WITNESS: Thank you.

(Witness excused.)

THE CLERK: Will you step up, please?

Will you raise your right hand?

THE CLERK: Can we have your name, please?

MR. LINNING: John Linning.

THE COURT: Thank you.

7

JOHN LINNING, having been called as a witness, was duly sworn by the Clerk of the Court, took the stand and testified as follows:

THE COURT: You may be seated, Mr. Linning.

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Linning, what is your occupation, sir?

A Assistant Detective Investigator of Nassau County, District Attorneys office.

Q And how long have you been employed by the Nassau Courty District Attorneys office?

A Since June of 1968.

Q And did there come a time when you left office?

A Yes.

Q When was that?

A December the 31st, 1975.

Q And did there come a time when you went back?

A Yes.

Q When was that?

A April the fifth of 1976.

Q Now, on December 31st, 1974 you -- were you employed by the office of the District Attorney?

A Yes.

Q Who was District Attorney at that time?

A District Attorney William Cahn.

Q And do you remember that today?

A Yes, I do.

Q December 31st, 1974?

A Yes, I do.

Q Did you at the request of Mr. Cahn make a delivery?

A Yes, I did.

Q Would you tell the Court and Jury what you did about that, if you will please?

A On that day, which was on the last day of Mr. Cahn's office, I was called into his office and asked to deliver an envelope, an envelope to the -- to this building, to the Chief of the Attorney General's office.

That letter, of course, -- and I delivered it personally to, I think Chief Assistant Attorney General Mr. Druker, I believe it was.

Q Do you see -- did -- do you remember approximately what time that was?

A It was late in the afternoon. It was quite late, because I remember you asking me in an apology to me saying you were sorry you had to do this, but this must go to the Attorney General's office and because of the last day, and --

Q And do you see the gentleman whom yo delivered the package to?

A Yes, I do.

Q Who? Would you point to him?

A The gentleman who raised his hand.

Q Now, that package wasn't delivered February 24th in the morning by you, was it?

A Oh, no, sir.

MR. CAHN: No further questions.

XXXX CROSS EXAMINATION

BY MR. DRUKER:

Q Mr. Linning, do you recall the contents of the package that you delivered?

A No, sir, I only know it was marked confidential.

MR. DRUKER: Thank you, sir.

THE COURT: All right, thank you, you are excused.

THE CLERK: Would you raise your hand, please?

Please state your name.

XXXXX L E E M I D D L E T O N, having been called as a witness, was duly sworn by the Clerk of the Court, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. CAHN:

Q Mr. Middleton, would you tell the Court and Jury your occupation, sir?

A I work in the Prosecutor's office in Gennessee County in Michigan. I am the administrator for the office.

Q And specifically what city is --

A That's Flint, Michigan.

Q Flint, Michigan.

Now, in your capacity do you have occasion to attend various -- or did you have occasion to attend various meetings of the -- and seminars, if you will please, of the National District Attorneys Association for the National College of District Attorneys?

A Yes, sir.

Q Now, Mr. Middleton, do you recall a meeting in San Francisco with me at which time something happened in my room when you and others walked in?

A Yes, I do.

Q Would you tell the Court and Jury if you remember approximately when that was?

A Well, I can't give you the exact date. It's been a couple of years anyway.

It was -- the event occurred in San Francisco. I believe it was a police prosecutor conference, and the event I think that you are referring to is I, along with my prosecutor --

Q Who is that?

A That's Robert Leonard, prosecutor of Gennessee County, -- had reason to stop by your room at the hotel where the conference was held after the meetings occurred, I think in the afternoon meetings were closing, and we stopped by your room and going into the room you answered the door and, of course, greeted my prosecutor, which I think is a very -- is a personal friend of yours and said hello to me.

On the way into the room there was a gentleman I recall standing to your left as you open the door, and then we proceeded through the room and sat down I think at a table arrangement.

I didn't know the gentleman, and all I can remember is just seeing the gentleman in the room and like I say, I think he was standing on your left, and that's as much as --

Q Did that gentleman remain in the room while you and Prosecutor Leonard stayed there?

A Well, I remember seeing him. Then we went in and sat down, and then I don't remember seeing him after that.

So apparently he didn't remain in the room.

Q I show you Defendant's Exhibit I for identification and ask you if that bears a resemblance to the man that you saw?

A Well, I think it bears a resemblance to the man I remember being in the room with you.

IG/rp

MR. CAHN: No further questions.

CROSS-EXAMINATION

BY MR. DRUKER:

Q Mr. Middleton, you were with Bob Leonard when you went into the hotel room; is that correct?

A Yes, sir.

Q And have you discussed this matter with Mr. Middleton in the last year or so?

A I am Mr. Middleton.

Q I'm sorry -- with Mr. Leonard?

A I didn't discuss it other than Bill is in our county and he asked the prosecutor something in recalling the meeting and the question came up about the individual being in the room and I voluntarily said I saw the individual or somebody in the room.

Q And you don't recall who it was or anything about him; is that right?

A No, sir. I never saw the man before, no.

Q Now, with regard to Defendant's I for Identification that was the composite you were just shown.

Do you recall being shown a copy of the same composite about a year ago by two postal inspectors of the United States Postal Service?

A No, I don't remember looking at the composite.

I remember two gentlemen from the Postal Service were in my office for a few minutes. They were asking me something about the event I think in San Francisco, but I don't remember looking at the composite.

Q Would it refresh your recollection if I suggested that you examined the composite and told them it just didn't ring any bell or mean anything to you?

A No, sir. I think if I would have seen the composite, I would have thought this looks something like the man that I saw in the room in San Francisco.

Q And the Postal inspectors were they Bill Jaimo and Dave Paino?

A I don't remember their names. I didn't write their names down. I was busy. I had people waiting to come into the office.

I talked to them for a very short period of time.

Q How long was this by the way?

A Well, I believe it was -- well, last year, probably a year ago.

Q Roughly May of 1975; would that refresh your recollection?

A It could have been around that period of time.

Q And how long was the incident when you saw

somebody in Mr. Cahn's hotel room in San Francisco?

A I think two years ago.

MR. DRUKER: Thank you.

MR. CAHN: No further cross, thank you.

THE COURT: That will be all. Thank you, Mr. Middleton.

(Witness excused.)

B E R N A R D K L I G F E L D , called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. NEIL CAHN:

Q Rabbi Kligfeld, what is your present occupation?

A I am a rabbi.

Q And where is your congregation?

A Long Beach, New York.

Q Temple Emanuel?

A Temple Emanuel of Long Beach, New York.

Q How long has that been your congregation?

A Twenty-six years.

Q You know the defendant William Cahn?

A Very well.

Q Approximately how long do you know him?

A As a member of my congregation, a board member officer of the brotherhood and a participant in the congregation.

Q Over that period of time have you had occasion to discuss Mr. Cahn's reputation in the community for truthfulness?

A Yes.

Q Do you know that reputation?

A Yes.

Q What is that reputation?

A Excellent.

MR. NEIL CAHN: No further questions.

MR. DRUKER: No questions, Rabbi.

Thank you very much.

THE COURT: Thank you.

(Witness excused.)

(Continued on next page.)

J O H N L A N G , Detective Sergeant, Shield No. 222, Nassau County Police Department, called as a witness, having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. WILLIAM CAHN:

Q Sgt. Lang, was there a time when you wer connected with the Nassau County district attorney's office through assignment by the Nassau County Police Department?

A Yes, sir.

Q And when did that assignment take place and what was the assignment?

A The assignment was from April, 1968, until March of 1975.

I was commanding officer of the Racket Squad.

Q And what was the responsibility of the Racket Squad?

A To investigate cases involving organized crime and other criminals.

Q And as such and in your capacity as head of that bureau, did you have occasion to deal with informants?

A Yes, sir.

Q Would you tell the Court and Jury what an informant is, Sgt. Lang?

A Well, there are two types of informants.

You have the informant who informs for money and the informant who informs for a purpose other than money which is usually some benefit to himself such as, say, he's arrested for a felony, and he's looking for a reduced charge in plea-bargaining or he could be a criminal himself and he's trying to wipe out the competition. Things like that.

Q And during your tenure as chief of the Rackets Bureau, did you have occasion to deal with informants along with the district attorney?

A Yes, sir.

Q And was there a time when you dealt with an informant whose true identity you didn't know for a period of time?

A Yes, sir.

Q And for how long a period of time further did you deal with this informant with the district attorney, without knowing his true identity?

A Well, we had a number of informants and we didn't know their identity.

The main one I can think of -- I worked about a year, a year and a half.

Q Without knowing his true identity?

A Yes.

Q And I show you Defendant's Exhibit L and ask you if you have seen that before?

(Handing to witness.)

A Yes, sir.

Q Can I ask you when you saw it for the first time?

A About a week ago, sir.

Q And did you read all of the information in Defendant's Exhibit L?

A Yes, sir, I did.

Q Now, Sgt. Lang, were there occasions when you accompanied the district attorney, the defendant William Kahn, on various trips throughout the country?

A Yes, sir.

Q And were there occasions when the defendant ever discussed with you either on the trips or sometime thereafter, information which you read in Defendant's Exhibit L?

A Yes, sir, many times.

Q Would you tell the Court and Jury how that would come about?

A Well, it would come about -- usually you would ask me to check out some information for you.

Q When was this?

A Well, both the times when we were on trips and other times in the office.

Q Did you ever hear the name Sam Houston prior to this case?

A No, sir.

Q Were there occasions when you accompanied me -- withdrawn.

Were there occasions when you accompanied the defendant William Cahn on trips when you were asked to take leave?

A Yes, sir, many times.

Q And thereafter, when you returned, were there any discussions about any of the information that you read in Defendant's Exhibit L?

A Yes, sir, there was.

Q Now, as a result of discussions with the district attorney, did there come occasion when you yourself took some action based upon the questions that were posed to you by the defendant William Cahn?

A Yes, sir.

Q And do you remember any offhand?

A Well, the one in particular I remember is the information regarding Joseph Colombo where he -- where

it was told to you that we -- that he had heard about our trip to London.

Q I show you Defendant Exhibit L and with particular reference to the date, November 13, 1970, and I ask you if that's the information to which you refer.

(Handing to witness.)

A Yes, sir. that's it.

Q Would you read that to the Court and Jury, please?

A You want it read completely?

Q Yes.

A "November 13, 1970. Met with Joe and S.H. in Las Vegas. He informed us that the Lakeville Manor in Lake Success, is being taken over by the narcotics mob.

"He informed us that Colombo knows I went to England on the Long Island Jewelry Exchange case, but he doesn't know how Colombo found out.

"I asked him to see if he could find out. Gave Sam Houston $750."

Q Could you relate the conversation that we had?

A Just that you had been informed that you had received information that Colombo knew we went to England on the Jewelry Exchange case and you wanted to know how

he found out that type of information.

I told you I had no idea how he found out but we'd try to find out through an investigation.

Q Did you make an investigation?

A Yes, sir.

Q Who went to England on that particular matter?

A Myself, Joseph Spinnato, Chief Spar and Mr. Cahn.

Q To the best of your knowledge, did you know of anybody who knew where or the purpose or reason we were going?

A No, sir, no one at all.

Q Did that indicate to you a leak in the office?

A Yes, sir, it did.

MR. DRUKER: I am going to object.

THE COURT: Yes. That was a leading question suggesting the answer, Mr. Cahn.

It will stand but try not to do it.

MR. WILLIAM CAHN. I am trying, your Honor.

Q Were there other matters in Defendant Exhibit L in which you made investigations either by way of trying to corroborate or having it corroborated?

A We usually try to corroborate all information we receive, yes, sir.

Q Is there anything unusual Sgt. Lang, in having one or more informants give you information about the same particular subject?

A No, sir, not at all.

Q Is it or is it not a standard procedure to do that if it can be accomplished?

A Well, that's a tough question to answer.

Most informants try to keep giving you as much information as possible.

Sometimes they will repeat information. sometimes they will pick it up once or twice and repeat it a second time.

The second time they give it to you, they forget they gave it to you the first time.

Q Is it usual or not unusual to corroborate that through other informants?

A No, it's not unusual at all.

Q I show you this book, a pamphlet, Sgt. Lang, and I ask youif youre familiar with it.

A Yes, sir.

Q And I ask you if you accept it as a manual or training manual or a manual you follow in dealing

with informants or in the general area of intelligence?

A Yes, sir. It's a general type of format for anyone to follow in law enforcement.

Q Have you read it?

A I have read parts of it, sir.

Q And would you accept this as your manual and your guide in dealing with intelligence questions?

A Yes, sir.

Q Would you accept this statement --

MR. DRUKER: Your Honor, I object to reading any statements.

THE COURT: Sustained.

Q Is this the --

MR. WILLIAM CAHN: I offer it for identification.

THE CLERK: Book marked Defendant's Q for Identification.

(So marked.)

Q I show you Defendant's Q for Identification and ask you if you recognize it?

A Yes, sir.

Q What is it?

A It's a book entitled "Basic Elements of Intelligence put out by the Law Enforcement Assistance

Administration for police officers.

Q And who?

A Excuse me?

Q And who? Is it not put out by the Department of Justice?

A Yes, sir.

Q And is that the manual which you follow in reference to the dealing with informants and in dealing with questions involving intelligence especially organized crime?

A It's one of the manuals we follow, sir.

MR. WILLIAM CAHN: Offer it in evidence.

MR. DRUKER: I object.

THE COURT: Sustained.

MR. WILLIAM CAHN: Take exception to your Honor's ruling.

Q Could you tell the Court and Jury if you will, please, what you consider the most -- one of the most important basic elements in dealing with an informant?

MR. DRUKER: I object.

THE COURT: I will let him answer that.

A To establish a trust between you and him.

Q When you say establish a trust, could you be a little more explicit -- exactly what do you mean?

A He has to feel whatever he tells you will be confidential between you and him and no one will ever find out that he gave you that information.

Q And could you, from your experience, tell us who must place the value of the information that an informant gives?

A Usually the Police Department or the governmental organization involved places a value on the information.

Q And when you say the government organization involved, are you referring to the head of those organizations?

A Yes, sir.

Q Again I show you Defendant's Exhibit Q for Identification and ask you, Sgt. Lang, from your experience, is this a recognized authority in the field of intelligence work, especially in the area of organized crime?

A I couldn't answer that, sir.

MR. WILLIAM CAHN: No further questions.

(Continued on next page.)

CROSS-EXAMINATION

BY MR. DRUKER:

Q Sgt. Lang, did you travel from time to time with the defendant William Cahn outside New York State?

A Yes, sir.

Q And what was your role or capacity when you travelled with him?

A Mainly I was his body guard and secondly, I was police liaison between other police departments.

Q And on roughly how many occasions, 1970 to '74, didyou travel with him?

A I'd have to approximate. I would say at least two dozen.

Q Places like Reno and Las Vegas?

A Yes, sir.

Q San Francisco?

A Yes, sir.

Q Miami?

A No, sir.

Q Los Angeles?

A Yes.

Q Houston?

A Yes, sir.

Q New Orleans?

A Yes, sir.

Q Were there trips on which you went with Mr. Cahn -- on each and every occasion you went with Mr. Cahn, was it in the expectation there would be some county business transacted?

A Yes.

Q Were there trips in which those expectations were not realized? You had been out there and come back, and to your knowledge, no county business was transacted?

A Yes, sir.

Q On more than one occasion?

A No, sir.

Q Just one?

A One I can think of.

Q Which one was that, Sergeant?

A One trip to Houston.

Q When was that, if you recall?

A I don't know, sir.

Q It was a trip on which you went with Mr. Cahn?

A Yes, sir.

Q No county business was transacted?

A You're talking about me personally conducting business?

Q Yes.

A Yes, sir.

Q Do you recall a trip May 20th to May 23rd and going to San Francisco to transact business?

A No, sir.

Q Were you involved at all in the investigation of the Long Island Jewelry Exchange case?

A Yes.

Q From the start so to speak?

A I felt it was the start for me.

Q When did the crime take place, allegedly?

A I don't know, sir.

Q Would 1968 refresh your recollection as to the approximate time?

A Yes.

Q Was it a couple of years later that you got actively involved in the investigation?

A Yes, sir.

Q And in the middle of June or twoards the end of June, 1970, did you have occasion to sit down, I think, with Mr. Joseph Spinnato and take any statements from any ifnormants or anyone else relating to that investigation?

A June of 1970?

Q Yes, sir.

A I can't recall. It's kind of far back.

Q Do you recallan informant by the name of Alan Magid?

A No, sir.

Q Do you recall Ronnie Esposito?

A Yes, sir.

Q Was he one of the prime sources of your information regarding the Long Island Jewelry Exchange?

A You say a prime source. You mean giving us information?

Q Yes, sir.

A Yes, sir.

Q Would it refresh your recollection that around June 25, 1970, he told you that Joe Colombo was called in to arbitrate a dispute relating to the proceeds of the Long Island Jewelry Exchange robbery?

a Yes, sir.

Q This was roughly two years after the event; is that right?

A Yes, sir.

Q By the way, Sgt. Lang, when you were travelling with Mr. Cahn to Reno or Las Vegas or Los Angeles, did you ever claim overtime for that?

A Possibly.

375—Affidavit of Service

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

UNITED STATES

VS

WILLIAM CAHN

AFFIDAVIT OF SERVICE

STATE OF NEW YORK,
COUNTY OF NY , ss:

BERNARD S. GREENBERG being duly sworn,

deposes and says that he is over the age of 21 years and resides at 162 E. 7th St NY, NY

That on the 1sty day of October, 1976 19 at

he served the annexed appendix; appellant's brief and exhibit volume upon

David Trager, U.S. Attorney, 225 Cadman Plaza, Brooklyn, NY 11201

in this action, by delivering to and leaving with said attorneys

two copies of the brief and appendix and one of the exhibit volume true cop thereof.

DEPONENT FURTHER SAYS, that he knew the person so served as aforesaid to be the person mentioned and described in the said

Deponent is not a party to the action.

Sworn to before me, this 1st
day of October, 1976 19

Bernard S Greenberg

ROLAND W. JOHNSON
Notary Public, State of New York
No. 4509705
Qualified in Delaware County
Commission Expires March 30, 19